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International Court of Justice

H0143-0002

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Official Transcript of the International Military Tribunal in the Matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 29 May 1946, 1000-1700, Lord Justice Lawrence presiding.

THE PRESIDENT: The Tribunal will adjourn this afternoon at 4 o'clock in order to sit in closed session.

MR. DODD: (of the American Prosecution): Mr. President, the day before yesterday the Tribunal asked if we would ascertain whether or not Document D-880 had been offered in evidence. It consisted of extracts from the testimony of Admiral Raeder and we have ascertained that it was offered, and it is GB-463. It was put to a witness by Mr. Elwyn Jones in the course of cros examination, and it has been offered in evidence.

THE PRESIDENT: Thank you.

MR. DODD: Also, with respect to the Court's inquiry concerning the status of other Defendants and their documents, we are able to say this morn ing that with respect to the Defendant Jodl, the documents are now being translated and mimeographed and there is no need for any hearing before the Tribunal.

The Seyss-Inquart documents have been heard and are now being translated and mimeographed.

The von Papen documents are settled; there is no disagreement between the Prosecution and the Defendant von Papen. And they are in the process of being mimeographed and translated.

With respect to the Defendant Speer, we think there will be no need for any hearing, and I expect that by the end of today they will be sent to the translating and mimeographing department.

The documents for the Defendant von Neurath have not yet been submitted by the Defendant to the Prosecution.

And with respect to the Defendant Fritzsche, our Russian colleagues will

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be in a position to advise us more exactly in the course of the day. I expect that I shall be able to advise the Tribunal as to the Defendant Fritzsche before the session ends today.

THE PRESIDENT: Does that conclude all questions of witnesses?

MR. DODD: Yes, I believe -- at lease, we have no objection to any of th witnesses.

THE PRESIDENT: Very well, then; there need not be any further hearing in open court on the cases of the Defendants Jodl, Seyss-Inquart, von Papen and Speer until their actual cases are presented.

MR. DODD: Yes, sir.

THE PRESIDENT: Thank you.

DR. SERVATIUS (Counsel for the Defendant Sauckel): Mr. President, I hav a technical question to put. Yesterday the witness Hildebrandt arrived, but it was the wrong Hildebrandt again. That is the third witness which appears here in this comedy of errors; it was the wrong one with two others. But th man knows where the right ones are.

The witnesses had received information that they were supposed to appear here and then they came to Berlin to a collecting centre, Lichterfelde. Maybe it is possible to get these two witnesses here from there, especially the

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witness Hildebrandt, who could speak about the French matters. He would be o importance, if I could still have him as a witness.

THE PRESIDENT: Was the name given accurately to the General Secretary?

DR. SERVATIUS: The name was right, was accurate, The other name was al Hildebrandt, but not Hubert, but Heinrich. He was also a Ministerialdirektor

THE PRESIDENT: I don't mean only the surname but all his Christion na

DR. SERVATIUS: Yes, one name was Heinrich and the other Hubert, and a abbreviated it was "H" for both, "Dr, H. Hildebrandt", and that is how it h pened.

THE PRESIDENT: Well, in future the names of all witnesses had better given in full, not merely with initials.

DR. SERVATIUS: I had given the name in full, also the physician, Dr. I received his private address this morning. He has not been arrested. He w at first a witness for the Prosecution. He is in Essen, on the Viehhof Plat He is there now.

THE PRESIDENT: I think you had had better take up all these details w the General Secretary and he will give you every assistance.

DR. SERVATIUS: Concerning the case of Sauckel, I should like to make remark.

There are about 150 documents which have been presented--submitted-- b Prosecution and which have a remote connection to Sauckel's case. It was not case that the trial brief was presented against Sauckel or a special indivi indictment against him, so that in detail I cannot see how far Sauckel is h responsible. The case has been presented under the heading of "Slave Labor" that the ground for the Defense is a bit insecure.

I do not intend to speak about every one of these 150 documents, but I should like to reserve the right to refer to some of these documents in cas that should appear necessary later on. I should like to mention only the mo important ones and then in the course of the proceedings to refer to them. any rate, I would not like to make it appear as if there was an admission i objections are made by me now against any one of these documents.

THE PRESIDENT: No admission will be inferred from that. Dr. Servatius have before me here a document presented by the French Prosecution against

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Defendant Sauckel. I suppose what you mean is that that document, that trial brief, entitled "Responsibilité Individuelle", doesn't refer to each of thes 150 documents.

DR. SERVATIUS: First of all, there was a document book "Slave Labor" : had been submitted by the American Prosecution and that is not headed "Sauc but "Slave Labor" . So that I could not say which parts concerned Sauckel i particular.

THE PRESIDENT: Well, it does say, "And the special responsibility of t Defendant Sauckel and Speer threrfor." That is the American Document Book. does name Sauckel

DR. SERVATIUS: Yes.

THE PRESIDENT: And there is this other trial brief presented by Mr. Mo on behalf of the French Delegation, which is definitely against Sauckel, bu there is no doubt that doesn't specify all these 150 documents that you are fering.to.

DR. SERVATIUS: Yes.

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FRITZ SAUCKEL -- Resumed

DIRECT EXAMINATION -- Continued

BY DR. SERVATIUS:

Q Witness, yesterday at the end of the session we spoke about a manifest, that writing which was intended to point out to the various offices their duties to carry out your directives and to remove the resistance that existed there. Now, you yourself have made statements which are not quite compatible with your directives, it seems. I submit to you Document R-124. That is about a meeting of the Central Planning of 1 March 1944. There, in regard to recruitment, you said that it would be "necessary to shanghai, as one had done before, in order to get the workers." You said, "I have even resorted to the method of getting myself a staff of Frenchmen and training them to capture human beings in order to get them to Germany." Have you found that?

A I have found it.

THE PRESIDENT: Whereabouts in 124 is it?

DR. SERVATIUS: That is R-124.

THE PRESIDENT: Yes, but it is a very long document.

DR. SERVATIUS: It is in the document itself, page 1770.

THE PRESIDENT: Yes, I have got it.

A (Continuing) That is, as I can see, the report or minutes of a meeting of Central Planning of the Spring of 1944. During that year it had become extremely difficult for me to meet the demands of the various groups which were represented in Central Planning. At no time have I issued directives or recommendations for the shanghai-ing of people. Merely in a reminiscent mood, thinking back to my career as a seaman, I wanted to make a rather strong statement, and therefore I used that word in order to make clear to the gentlemen how difficult it was and had become particularly in the year 1944.

In fact, a very simple situation is behind that. According to

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autonomous state and we, and I myself, had always been against private means of recruitment. In 1944 Minister President Laval, Chief of the French Government, had stated to me that he had the greatest difficulties to see to it that the labor laws were carried out by his own employees.

Upon that and in agreement with one of my assistants, Dr. Ditier, there were conferences in the German Embassy. The witness Hildebrandt, I believe, can give us more information about that. These conferences were with the chiefs of collaborationist organizations; that is to say, organizations within the French population which were standing on the basis of collaboration with Germany. These organizations, in the course of these conferences at the German Embassy, stated that in their opinion the official recruitment in France had become very difficult and they would like to take care of that and that they would like to make agents for recruitment of their members, and they also wanted to recruit people out of their membership who would like to go voluntarily to Germany, so that recruitment should not be taking place by official agencies but in coffee houses.

In these coffee houses, of course, there would be certain expenses, and these expenses had to be compensated for, so the agent for recruitment should receive a premium and eventually a glass of wine or some liquors.

That manner of doing this I did not like very much, but I was in such difficulties in the face of the demands put to me that I agreed, without intending, of course, that at any time the concept of shanghai-ing, with its reminiscences of overseas, and so forth, would be taken into consideration.

Q Did this suggestion come from the Frenchmen, or was it your suggestion?

A As I have said already, that suggestion was made by leaders of these French organizations.

Q In the document that you read, a few lines further on, mention is made of a special executive which you wanted to create

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for the mobilization of manpower, and it says there, if you wish to read it:

"Beyond that I have changed a few clever people with the establishment of a special manpower executive. That is on the leadership of the Higher SS and Police Leader. A number of native troops were trained and armed, and now I have to ask the Ministry of Armaments to arm these people."

How do you explain that?

A That, also, can be explained very clearly in connection with the events that I have just described.

At that time there had been many raids on German offices and mixed offices of manpower mobilization, and the chief of the department for manpower mobilization in France, President Dr. Ritter, had been murdered. A number of recruiting offices had been raided and destroyed, and for that reason, those same organizations who were standing on the basis of that collaboration had suggested for the protection of their own membership the establishment of a sort of protection group for the recruitment. Of course, I could not do that myself because I had neither authorization nor machinery for doing that, but it had to be done according to the directive of the military commander by the Higher SS and Police Leader; that is, under his supervision. It was done, together with the French Minister of the Interior at that time, Darnaud. For the very same reasons, in order to be able to stand my ground against the reproaches in Central Planning, I brought an example in this somewhat drastic manner. Practically, these hypothetical suggestions were not used.

Q Who carried out, practically, the recruitment of the foreign workers?

A The practical execution of it was the task of the appointed German officials in the various regions or the military commanders or similar civilian institutions, German institutions.

Q You have ordered voluntary recruitment. What was the success of the voluntary recruitment?

A Since voluntary recruitment had been a principle, several millions of foreign workers came voluntarily to Germany.

Q Now, in one of the meetings of the Central Planning Board -- that is, the same meeting that we have just mentioned -- you made the remark which goes contrary to that. That is on page 67 of the German photostat, English page 1827. I shall read the sentence to you.

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Kerrl speaks and says:

"During that entire period, you have brought a large number of Frenchmen to the Reich by voluntary recruitment."

There is an interruption by Sauckel:

"Also by forced recruitment."

The speaker continues:

"Forces recruitment started when voluntary recruitment did not bring sufficient numbers.

Now comes the remark to which I want you to speak. You answered:

"Of the five millions of foreign workers who came to Germany, less than 200,000 came voluntarily."

Would you care to explain that contradiction?

A I see there was an interruption made by me, and I wanted to say, regarding the opinion of Mr. Kerrl, that all workers had come voluntarily, that that was not correct. That proportion of figures which is marked down here by the stenographer or the man in charge of the records is quite impossible. How that error occurred, I do not know. I have never seen the minutes. Concernin that also, the witness Timm and others can make statements.

DR. SERVATIUS: I am referring here to Document S-15, that is, Directive No.4 which has been quoted already, which deals with the recruitment measures in detail and various regulations. It has already been submitted as 3044-PS.

BY DR. SERVATIUS:

Q What was the reason for the deviation from that principle of voluntary recruitment?

A Of course, in the course of the war our opponents also carried out very considerable actions. The need for manpower in Germany, on the other hand, had become tremendous. During that period, on the part of the French, the Belgians and the Dutch, the demand was put to me, in order to bring about a better balance of economy in these territories, that we should proceed to a labor draft so that the pressure from the opponents would be alleviated and the Dutch and Belgians and French themselves should have the possibility of stating that they did not go to Germany voluntarily, but on account of the labor draft and on account of the law.

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Q Did the proximity of the front line have any influence on the fact that the people did not want to come voluntarily any more?

A Of course I got to feel that also, and it is clear that the chances of the victor or of the one to be defeated would cause great excitement among the workers, and it certainly played a great part in it.

Q Did immediate military measures also cause --

THE TRIBUNAL (Mr. Biddle) (Interposing): Dr. Servatius, will you ask the witness what he means by a labor draft law. Does he mean a law of Germany or a law of the occupied countries?

BY DR. SERVATIUS:

Q Witness, you have heard the question, whether you mean a German law or a law of the occupied countries.

A That varied. The Reich Government, in some of the territories, introduced laws according to the laws that were valid for the German people at the same time. But these laws could not

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be issued by me. They were issued by the chiefs of the regional governments or regional administrations.

In France, these laws were issued by the Government Laval after consent of Marshal Petain; in Belgium, after a vote had been taken by the general secretaries or general directors of the ministries then still existing.

THE PRESIDENT: Do you mean in the other countries by the German Government or the German Government's representatives? You have only spoken of --

THE WITNESS: (Interposing); The directive to introduce German labor laws in the occupied territories was given by the Fuehrer. They were proclaimed and introduced by those chiefs who had been appointed by the Fuehrer for these territories, because I myself was not in a position to issue any directive laws or regulations there.

THE PRESIDENT: Go on.

BY DR. SERVATIUS:

Q How were these laws carried out?

A The laws were published in the official publications and legal publications, then in the press and by posters in those territories.

Q I mean the practical execution, the practical carrying out. How were the people brought t o Germany?

A In the administrative way, by summoning them to the local labor office, which was mostly administered by native authorities, and in individual cases, according to my directives which have been submitted here, hardship cases had to be taken into consideration. Then, in the normal manner, as it was also done in Germany, the individual workers or draftees were brought to Germany.

Q Have you ever witnessed such procedures in a number of cities and towns in Russia, in France, and in Belgium, and I saw that they were carried out in good order.

Q If compulsion was necessary, what measures were taken?

A At first, such measures of force were taken as are used and justified in every administrative civil procedure.

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Q And if that was not sufficient?

A Then one had them summone .

Q So these were legal measures?

A According to my convicti , they were legal measures.

Q You have stated repeatedly in documents which are available here that a certain pressure should be used. What did you mean by that?

A I meant by that, every administrativemeasure for pressure, an obligation.

Q Weren't measures used which brought some sort of collective pressure?

A I objected to every kind of collective pressure, and that refusal of collective pressure can be seen in decrees which have been issued by other officials in the German Reich.

Q Wasn't it true that in the East the villages, individual villages, were called upon to deliver a certain number of people?

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A. Of course, in the East the administrative procedure, on the basis of great distances, was quite difficult. In the lower echelons, to my knowledge, only the mayors who were in office, the native mayors, were carrying it out. It is possible that a mayor had been presented with a quota indicating that from his village or town he had to select and present several workers for the work in Germany.

Q. Is that the same thing as collective pressure, that if nobody came the entire village had to be punished?

A. Measures of that kind were always refused by me in my field, always rejected, because I could not and did not want to introduce into German economy any workers who had been brought to Germany in any way, means or manner, which from the very outset would make them hate the stay and the work in Germany.

Q. What police measures were at your disposal then?

A. I had no police measures at my disposal.

Q. Who carried out measures of police pressure?

A. Police pressure in the occupied territories could be exerted by directive or by demand of the chief of the territory, or the Higher SS and Police Leader, depending on the authority he had.

Q. So you were not responsible for direct pressure?

A. No.

Q. Did you exert indirect pressure by your directives, by measures concerning food and similar measures?

A. After the fall of Stalingrad, Reichsminister Dr. Goebbels in Berlin, at the occasion of proclaiming a state of total war, intervened in all of these questions. Upon his intervention, in cases of consistent refusal to work or continuous resistance and actions of resistance, compulsion was to be used by refusal of additional food rations, and it was to go so far as the taking away of food rations altogether.

I personally rejected measures of that kind very energetically because it was well known to me that in the western territories the so-called food ration did not play an important role, and the resistance movement and its members was such a large organization that this would have been quite ineffective. Therefore such measures cannot be traced to my initiative, but possible to my defrees.

Q In that meeting of the Central Planning of the 1st of March 1944, you stated that if the directive of the Frenchmen does not work, then one would have to put a prefect against the wall. Did you consider this a legally justifiable pressure?

A That is a similar drastic statement in the Central Planning which never resulted in an official influence on my part. That was simply so, that I had been informed that in France in several departments, the prefets or chiefs who were responsible, favored the resistance movement exceedingly; railroad tracks had been blown up, bridges had been blown up, and that was a conversational reaction on my part. I believe, however, that also on that occasion, I was only thinking of a legal measure because there existed in fact a French law according to which sabotage was to be punished by death.

THE PRESIDENT: Is it in R-124?

DR. SERVATIUS: Yes.

THE PRESIDENT: Which page?

DR. SERVATIUS: It is on page 1776, where it says that on the basis of the legal background, it will become necessary to put a mayor up against the wall.

BY DR. SERVATIUS:

Q Do you know what law existed in France, concerning compulsion, to make the French authorities cooperate or whether there were such laws?

A Yes, such laws existed.

Q But on the carrying out of measures of compulsion, a number of reports were received, which mentioned perpetrations and impossible conditions which had allegedly been caused by recruitment measures. What can you state about that, generally?

A I did not quite understand your question.

Q Concerning the compulsion, the carrying out of these measures, a number of things have been mentioned such as you have heard it here, which measures everybody has to reject. You heard of the burning of villages and the shooting of individuals. What is your position as to that?

A All these measures are strictly in contradiction to the directives and instructions that I have issued and which are still available from that period and to which I have to refer. We are confronted here with methods, such, that if I would have heard of any hints of them I would have fought them.

Q Well, who has the imediate responsibility for such incidents?

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A For such incidents, responsibility was with the officials, the local officials who carried them through.

Q Were there any other places, any other offices than the local ones, that had anything to do with the recruitment of labor?

A That had been my fight from the very beginning--the confusion of offices which recruited in various ways workers to fill all these other offices; that was part of my job.

Q What kind of offices were they, local offices?

A They were offices of various kinds. I had, myself, found out about them only here, about most of them.

Q What was the "OT"?

A Organization Todt. The OT has independently and for a long time recruited and used manpower.

Q Did the labor service have anything to do with that?

A You mean the labor service of labor leader Hirl? That , I cannot say; that was a German manpower labor organization for the education to work.

Q Were people taken from the armed forces?

A The armed groups, of course; for the establishment of fortifications in the case of local jobs which I neither knew or had any control over, workers were taken from these localities for road constructions.

Q How about the Reichsbahn?

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A The Reichsbahn--build their own tracks, roadbeds and recruited the workers whenever they were needed, whenever they needed them.

Q And these offices were not under your supervision?

A No.

Q Did they carry out your instructions and decrees, were they bound to them?

A They were not bound to them because for that very reason and in a very demonstrative manner, I have sent out that manifesto which was mentioned yesterday; since I had no supervision of my own, I had to send it to the various offices to make them heed these instructions.

Q Were there large numbers of workers in the Occupied Territories?

A Yes, certainly, large numbers.

Q There were also Reich offices which dealt with the question of manpower of labor. What about the deportations carried out by Himmler? Did you have any connection with those?

A In answering that question of departations, I can only say that I did not have the least to do with that--never have I or according to my personality and my past experiences, could I have agreed to it, to use prisoners or criminals for work in that manner. I couldn't even do that. I am of rhe conviction that on the basis of my very clear demonstrative statements and actions, one did not even inform me about that whole complex, because that was quite contrary to my opinion, the opinion which I had of work and manpower. I have stated it very often clearly and it is also available in documents here, that I, myself wanted to win the cooperation of those foreign workers for Germany and I did not want to frighten them away.

Q So these various offices, these were the various offices which had to do with recruitment aside from you?

A May I make a short statement in that report? I have heard the word "deportation" in Germany times and I always rejected it because I understand, according to the usage of the German language, I understand the word "deportation" to mean transfer of prisoners, of people who have committed something against the State and on the basis of my opinion about the ethics of work, I have never carried out deportation, but those workers which came through my office --

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and that was the point which I made to Hitler and it was not easy. I have given all foreign workers legal contracts whether they came there voluntarily or on the basis of the German labor obligations, the same pay and the same nutrition as the German workers. That is why I rejected that concept of deportation for my way of work and my program but the deportations, of which I was informed only here in its terrible extent and with the transport of these workers, I had noth to do and to that I can testify to my best conscience.

Q You have pointed out repeatedly that these workers had to be brought to Germany under all circumstances; that one had to proceed ruthlessly; that it was an absolute necessity to bring these workers in. Does that show that you agreed with such measures?

A I should like to be permitted to point out the following differentiations: Without a doubt, from various documents, my directives and instructions can be seen--only some could be issued by me because I had no machinery of my own; all these directives from the very beginning prescribe a legal treatment and just treatment. It is correct, however, that I had to repeat that words " under all conditions" in my correspondence with German offices which the Fuehrer had used, speaking to me; that I have used the word "ruthlessly" is also correct to German officers but not with respect to the treatment of workers but with respect to the many arguments, disputes and bickering which came from the German offices which they had amongst themselves and against me -- to a large number, to a large extent, they did not understand the meaning of the use of manpower during war time. On the part of the military, the army commanders very often told me, for instance, that it was senseless that I brought these people to Germany. There was the Lasso Army under the Russian general and they wanted that this Russian army should join their army. I rejected that. I did not consider it correct. I did not consider them reliable enough either. Those were the points against which I had to proceed ruthlessly. German officials were concerned with that.

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Q Were there other causes leading to the transportation of human beings to Germany?

A Yes, there were others, but only indirectly --that is, not immediately, but only indirectly--in connection with the use of manpower, and which were very surprising to me in many instances Those were cases concerned with the evacuation of military zones, which very often came surprisingly; that is, with a very short time for preparation, it was indicated that these territories had to be evacuated.

Then, in the course of carrying out the evacuation, it was the task of the local labor offices to put the population of these evacuated areas to work in areas in the rear, or, as far as they could be used in Germany, to bring them to Germany.

This sort of use of manpower, of course, brought about difficulties for me. There were families among them with children and they, of course, also had to be transferred. It was often the wish of the Russian fathers to take their children with them. That coul not be done--hot because I did not want it, but because it could no be helped.

Q Were all these people always used by you, or only occasionally?

A To a large extent these people were used by the local authorities in these territories, and they were used in agriculture, industry, railroads, and so on.

Q Did you have anything to do with resettlement?

A I never had anything to do with resettlement. According to a definite decree of the Fuehrer, that was the task of the Reichsfuehrer SS.

Q Did Rosenberg report to you about bad conditions in German territories?

A Yes. I had about four conversations with Rosenberg, at his request, and he told me about these bad conditions. There was no doubt on my part that such conditions could not be justified.

Q Did he speak about Koch?

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A We dealt mostly with the Reich Commissariat, Ukraine. There were considerable differences between East Minister Rosenberg and Reichs Commissar Koch.

Q Could you do anything against Koch?

A Koch was not subordinate to me, neither directly nor indirectly, and I could not give him any directives in such matters. I had him know, from the outset, that I could not agree with such measures as I had heard about through Rosenberg, although I had not received any proof.

Koch was of the opinion--and he explained that in his letters to Rosenberg--that in his territory he was the sole authority. He also pointed that out to me.

Q Didn't Rosenberg see the cause for these conditions in the fact that your demands were too high?

A I also spoke to Rosenberg about that. I personally was of the opinion that if the demands were divided as they were, it was quite possible to fill the quotas. In the long run, however, I had orders and directives from the Fuehrer and the Central Planning Group.

Q Did you ever have a conversation about the methods which were supposed to be used?

A The methods that should be used were not only frequently discussed by us, but in many directives I had put these methods down unequivocally. I even went so far as to issue and distribute my manifesto, even to the lower-level offices, so that they could carry it out.

However, I have to point out that these are incidents which occurred against my decrees, and which I objected to.

Q I want to refer you to document 118-PS. That is in the "Slave Labor Brief", page 10.

THE PRESIDENT: That is not page 10. It is number 10.

DR. SERVATIUS: It is USA Exhibit 186. In the English "Slave Labor" book, it is document 10. That is a letter of 21 December 1942.

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BY DR. SERVATIUS:

Q If you go through that document you will see that Rosenberg complains about the methods used by your agents and assistants. For what kind of offices were you held responsible?

A There is an error in this letter on the part of Rosenbe because I did not have any offices there, but the Reichs Commissar did.

Q In other words, you want to say that he addressed himself to the wrong person?

A Yes.

Q Then I should like to ask you to put that document away.

A Rosenberg says, on page 2: "I authorize the Reichs Commissar for the Ukraine, so far as necessary, to make use of his authority."

Q You assume, therefore, that the writer of this letter did not see clearly how the authorities were divided in his territory?

A Yes, that was quite possible, because I had only been in office a short time.

Q What did you do as a result of the objections made by Rosenberg? Did you do anything?

A After that letter from Rosenberg I had a conversation with him at once. Since it was shortly before Christmas, the 21st of December, 1942, I sent a telegram to Wiemar. I called a meeting at Wiemar, by telegram, for the 6th of January, where representative of various offices in the East were invited. I also invited Reichsleiter Rosenberg to this meeting. Then, at that rally, with all clarity and beyond doubt, these offices were again charged to use nothing but definitely legal methods.

DR. SERVATIUS: In that connection I would like to point to document S-82. That is in document book Sauckel-III, page 206. I also submit the handbook itself, where a number of documents can be found.

I quote one sentence from the speech which Sauckel made about

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the principles of recruiting. He spoke to 800 people who were emplpyed in the manpower mobilization program.

THE PRESIDENT: Did you say 800?

DR. SERVATIUS: Page 206,

THE PRESIDENT: It is 8,000 in my copy. Isn't it 8,000?

DR. SERVATIUS: The third book, page 206, document number 82.

THE PRESIDENT: I am looking at document number 82. I thought you said 800 men were employed. I am looking at the beginning of document 82.

DR. SERVATIUS: It begins on page 204. He spoke before 800 people, and not 8,000. It should be 800. That is a mistake in the translation of the document.

THE PRESIDENT: Very well.

DR. SERVATIUS: The following is stated:

"Principles of our Recruiting:

"Where the voluntary method fails, and experience shows that it fails everywhere, the obligation to serve takes its place."

I pass a few sentences.

"It is bitter to tear people from their homeland, from their children. But we did not want the war. The German child who loses his father at the front, the German woman who mourns her husband who fell in battle, are hit much worse. Let us abandon every false sentiment now."

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THE PRESIDENT: You have left out some of the document, have you not?

DR. SERVATIUS: I did not quite understand.

THE PRESIDENT: You have left out some of the document.

DR. SERVATIUS: Yes, I left out several sentences. I so stated. However, I can read the whole thing.

THE PRESIDENT: I only mean on page 206. I didn't mean the whole document. On page 206 you have just skipped two sentences.

DR. SERVATIUS; There are four sentences. I will read them again:

"Where the voluntary method fails, the obligation to serve takes its place."

Then I left out two sentences, which I shall read:

"This is now the iron law for the employment of labor in 1943. In a few weeks from now there must no longer be an occupied territory in which the obligation to serve is not the most natural thing in the world."

THE PRESIDENT: Didn't you also leave out the words "experience shows that it fails everywhere"?

DR. SERVATIUS: I read that the first time; I wanted to save time.

"We shall discard the last slags of our humanitarian blabbering. Every gun which we procure brings us a minute closer to victory. It is bitter to tear people from their homeland, from their children. But we did not want the war. The German child who loses his father at the front, the German woman who mourns her husband who fell in battle, are hit much worse. Let us abandon every false sentiment now.

"Here let us be guided by the realization that in the long run a high output can be demanded of foreign workers only if they are satisfied with their fate.

"I do not tolerate human beings being treated badly.

"Under no circumstances are you, as the recruiting commission abroad, permitted to promise things which, according to the directives and regulations issued, are not possible and cannot be carried out on account of the war. It is much better to interduce labor conscription and say: 'You must take this upon yourselves and therefore you will enjoy the rights of the workers employed

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in Germany.' Who works in Germany has a right to live in Germany, even if he was a Bolshevist. We shall watch here very strictly that the German name not be sullied. You can demand of me any protection in your field of work, but none for any crimes. The name of our nation is holy. For the first time in German history you must represent for the Reich the principles of German labor. Be aware of that at all times."

BY DR. SERVATIUS:

Q. Aside from the information which you received from Rosenberg, did you receive any other reports concerning the recruiting methods?

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A In addition to the information from Rosenberg and the letters, I did not receive any other complaints directly, but I have directed that any complaints which would be received by my office should be immediately forwarded to the competent Reich authorities for investigation and punishment. I would like to be permitted to state here that my office received many complaints for which I was competent, but those were complaints about insufficient numbers of workers which I brought. That was within my competence to take care of such complaints. For matters of administration, for unjust matters in various fields, I was not competent. The various Reich officers were competent for that.

Q But you could be expected to have great interest for whatever happened there. Wasn't anything reported to you?

A That I had the interest for humane and personal reasons can be seen from the fact that I was concerned about these things although they were not within my competence.

Q You have told me about one case where you were told about a movie that had been surrounded. Do you remember that case?

A On one of the occasions of a visit to Fieldmarshal Kluge I heard from him that he had been informed that, in the area of his Army group, a movie theater had been surrounded and the people who attended that movie had been brought to Germany to work there. That case which was presented by Field Marshal Kluge was carefully investigated by me immediately, and there are witnesses, if they are available, who can testify to that. The result of the investigation was the following: That there was not labor recruitment for Germany but a building industry group near Rovno who had a celebration on the occasion of finishing their work in that movie, and right in the middle of that celebration they received the order that that same work group had to be used at a different locality; and the manager interrupted that celebration in a very drastic way by carrying out, with the police group, the transportation of these workers right from the movie. So that, of course had nothing to do with my officers and my organization, but it took about a quarter of a year for me to find out the true facts and report them to Fieldmarshal Kluge. In every case I have investigated such complaints.

Q This brings us to the transportation. We are leaving the chapter of recruitment now and I speak about transportation. Who was responsible for the transportation?

A For transportation the responsible officers were German Reichsbahn, railroads, and the officers mentioned in my Directive No. 4, local officers' department of the territories. Right from the outset, when I assumed my office, I had conferences with Dr. Dornueller, Reich Minister of Transportation, his State Secretary, Dr. Ganzemueller, and Kleinmueller, and I agreed with them then that the workers' transportation through Germany should be carried out in the best possible way; that if they should recruit Russians

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on these transports that under no circumstances the cars should be crowded, and that if at all possible coaches should be used for these transports. That was agreed to by the Reich Minister of Transportation and he said that I could not ask for better transportation for the German soldiers; but he guaranteed that the cars would not be crowded.

Q. You have seen the Molotov report. That is Document USSR 51. You know its contents. There mention is made of the condition of these transports, that the cars were over-crowded, that dying people were thrown out, that children were born dying almost immediately. Was anthing reported to you about these conditions; did you have any knowledge of them?

A. Such incidents were not reported to me in my office and it could not possibly have been labor transports of my office.

Q. What kind of transports could they have been?

A. As far as I can see here, in the course of the proceedings, it could have been transports of inmates of concentration camps for reasons of evacuation or such. I don't know it but I can't explain it any differently, because under no circumstances did I tolerate any such conditions or find out about them That wouldn't have done any good to us.

THE PRESIDENT: Where is that document, USSR 51?

DR. SERVATIUS: USSR 51 has been submitted; that is the official report. I have here a printed German copy. I assume that it has been submitted to the Tribunal. If not, I shall submit it and I shall get it.

THE PRESIDENT: If it has got the number USSR 51, it must have been submitted to the Tribunal. That is the exhibit number. I wonder whether it has got some other number which we can identify it by.

DR. SERVATIUS: Then the prosecution has submitted Document 054-PS; that is USA Exhibit 198. That is in theEnglish Slave Labor Book No. 13.

BY DR. SERVATIUS:

Q. There, on Page 4, mention is made of transportw where it begins "Very depressing for the morale of the skilled workers and the population is the --

A. This can only deal with happenings --

THE PRESIDENT: We haven't had the question yet, have we? The question

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didn't come through I think.

DR. SERVATIUS: I will put the question again.

Q. In this document mention is made of transports back from Germany to the East and the transports are criticized; catasthropic conditions are described. I quote from the document: "Very depressing for the morale of the skilled workers and the population is the effect of those persons shipped back from Germany for having become disabled or not having been fit for labor commitment from the very beginning. Several times already transports of skilled workers on their way to Germany have crossed returning transports of such disabled persons and have stood on the tracks alongside of each other for a longer period of time. These returning transports are insufficiently cared for. Nothing but sick, injured or weak people, mostly 50-60 to a car, are usually escorted by 3-4 men. There is neither sufficient care or food. The returnees made frequently unfavorable -- but surely exaggerated -- statements relative to their treatment in German and on the way. As a result of all this and of what the people could see with their own eyes, a psychosis of fear was evoked among the specialist workers respecting the whole transport to Germany. Several transport leaders -- of the 62nd and the 63rd in particular -- reported thereto in detail. In one case the leader of the transport of skilled workers observed with his own eyes how a person who died of hun... was unloaded from a returning transport on the side track. (1st Lt. Hofmann of the 63rd transport, Station Darniza.) Another time it was reported that three dead had to be -- "

THE PRESIDENT: I don't think you need read all of this to the Defendant. He probably knows it and he can give his answer upon it.

BY DR. SERVATIUS:

Q. You can see here a report is mentioned and I would like you to state your position here.

A. Concerning that report, my position is the following: These terrible conditions had to be investigated by the local authorities there at once. The report about the result of the investigation has not reached me and this report has not reached me either. I myself may be permitted to point out that the

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transports of sick people, people incapable of working, had been prohibited by me, the transport of those people to Germany, because that was a crime and, economically speaking, an impossibility. Whoever took care of these transports I could not possibly say. It has not been quite explained what kind of transports these were. The report deals with a description of conditions which had already existed before I came into office. I, personally -- and I should like to emphasize this particularly -- have issued decrees according to which sick people or pregnant women -- I personally have issued decrees that in the case of a transport back of sick people, the German Red Cross should furnish personnel to accompany them back to their native town. This decree can be found in the collection of decrees. Such a terrible case of neglect and crime is, therefore, in open contradiction to the clear decrees and regulations which have been issued by the German authorities.

Q. Didn't you install Bad Frankenthal for sick people who could not return?

A. In my own Gau it was not Bad Frankenthal but Bad Frankenhauser. Bad Frankenhauser was put aside by me for sick Soviet workers, and in addition to that, in Edendorf near Weimar, I had a large school put aside with a hundred beds for typhoid patients among the Russian prisoners of war. Therefore, on my own initiative, I did everything which was possible in order to help against diseases. It was prohibited to transport people while they were sick.

THE PRESIDENT: We had better adjourn now.

(A recess was taken)

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BY DR. SERVATIUS:

Q When the workers arrived in Germany --

A (Interposing) Doctor, May I comment on Document 954-PS and supplement my testimony?

Q Yes.

A On Page 5, near the center of the page, I should like to refer and call your attention to the reporter. These extraordinary cases of transport which took place in the first few months, to our knowledge, did not repeat themselves in the summer. In thefirst months of the year 1942, I believe, I was not even in office, and my program did not commence until May. In the summer of that year, as it is pictured correctly here, these conditions had been stopped.

Furthermore, I should like to point out that in the same document, 054-PS I believe on Page 10, you will find a copy of the letter of complaint. It says there, "As I have told you in my letter of 20 Apr. 42". You can see from this letter of complaint that the complaint concerned took place before I assumed office.

Q I was asking you about the arrival of workers in Germany. What happened when a transport arrived in Germany?

A The transport, not only at the time of its arrival in Germany, had to be put in the records, and the members had to be examined by position. The transport had to be checked in every way. This examination already took place at the time of recruitment at the place of recruitment.

And another examination took place at another spot before the border.

Then, with respect to the recruitment of workers, until they were actually put to work, these recruitees were subjected to three medical examinations, according to my directives.

Q And what were the transition camps -- Durchgangslager?

A These transition camps were camps in which the various transports met at the boundary where they were checked, examined and registered in the proper manner.

Q I should like to submit Document UK 39 to you. The exhibit number is not at my disposal.

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THE PRESIDENT: It is a British exhibit?

DR. SERVATIUS: I could not determine whether there has been an exhibit nu number assigned to this document. I should like to check on this. But this document was submitted to me.

THE PRESIDENT: You gave the number UK 39.

DR. SERVATIUS: Yes, UK 39, Your Honor.

THE PRESIDENT: It must be a British exhibit number, must it not?

SIR DAVID MAXWELL-FYFE: The series is not a British exhibit; our exhibits are "GB". It is an earlier series of documents that we have prepared. But we will try to find out.

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BY DR. SERVATIUS:

Q If you will look at this document, it is a report of the RSHA dated the 18th January 1943. It concerns itself with concentration camps Herzogenbusch. "Then this camp will be equipped as a transit camp." Was that a place where your workers were sent?

A The manpower had nothing to do with concentration camps at all. It was not a transit camp for workers but was a transit camp for inmates of concentration camps. I did not know about this. I never had to concern myself with these transit camps and would not have dealt with them.

Q We have a report by the French Government under the sign of UK-78 and French document, FR-274. The heading is, "Third Study." It is a comprehensive report and I shall quote according to my notes. Approximately the following was said:

"Immediately upon their arrival the workers were taken to those more or less slave markets to be sorted out. Conditions of life were deplorable there."

Was that a transit camp under your jurisdiction?

A It is absolutely impossible that any of my camps would be described in such a way.

Q How was the distribution of the workers carried out, that is, in practice? I should like to refer once more to the Molotov report, USSR-51. The Soviet Delegation have told me that this document was submitted under this document exhibit number. In this report it says that the workers were taken to the slave market and were sold for ten to twenty marks. Comment on this, please.

A I believe each German entrepreneur who received these workers, either industrial or agricultural, can be a witness to the fact that any such proceeding never took place, that through the authorities of the Reich Ministry it would bot have been conceivable to institute such slave marts, but that these workers who were put at the disposal of the State had the same conditions of work and the same contract as the German workers themselves. Of course, there were some slight changes in some cases, but in no case were they treated as slaves without pay, without contract, without sickness insurance, without accident insurance. They were never

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put to work that way, and that may be seen from my directives and the directives issued by the Labor Minister. And this can be proved through these directives and decrees which were issued.

Q What were the general conditions of life of the foreign workers in Germany?

A The conditions that applied generally to foreign workers in Germany, as far as the workers were recruited through the authorities, the conditions were exactly the same as those that applied to German workers when they were in these camps. Conditions of life, of course, were dictated, of course, by the war, and during the war the same limitations applied to these people as the limitations that applied to the German population in war. And the adjutant of Baldur, von Schirach at Vienna, a man unknown to me, cited conditions, and these conditions applied in other German cities.

Q Well, how about protective measures in these camps?

A In the camps --

Q I mean generally, of course, first of all.

A Protective measures were the responsibility of the police, not mine. The camps were subordinate to the industries which they worked for.

Q Now, I shall have a document put before you, Document EC-68. These are directives which were issued in Baden regarding the treatment of Poles in Germany. This is USA Exhibit 205, to be found in the book, "Slave Labor". Document No. 4/ I should like to read the beginning of this document, something which you have seen already, and it says there:

"The agencies of the Reich Food Administration (Reichsnaehrstand), State Peasant Association of Baden, have received the result of the negotiations with the Higher SS and Police officer in Stuttgart on 14 February 1941, with great satisfaction. Appropriate memoranda have already been turned over to the District Peasants Associations. Below I promulgate the individual regulations, as they have been laid down during the conference and how they are now to be applied accordingly:

"1. Fundamentally, farm workers of Polish nationality no longer have

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the right to complain and thus no complaints may be accepted any more by any official agency.

" 2. Farm workers of Polish nationality may not leave the localities in which they are employed."

Now, I shall omit certain points, and just confine myself to the vital parts. I turn to Point 5:

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"Visits to theatres, motion pictures or other cultural entertainment are strictly prohibited for farm workers of Polish nationality."

And under No. 12there is a vital provision which says that workers of Polish nationality may be physically punished.

Please comment on this document and tell us just how far you agree with this document and the views expressed there.

A First of all, I should like to point out that it is dated the 6th of March, 1941, that is, it is more than a year before I assumed office. Such a nonsensical and impossible decree was never made known to me during my term of office.

Since I am now being confronted with the document and am seeing it, I should like to refer to the decrees which I issued independently of the past, the fact that prior decrees were superseded and no longer valid. Regardless of such nonsensical decrees and directives, no matter which agency in the Reich issued them, my decrees were published in this manual. Because of the time factor and because of my respect for the Tribunal, I shall not ask that the Tribunal look at all of them, but I should ask thatI be permitted to quote just one sentence from the manifest which has already been referred to, in order to refute the nonsense. The manifest says that just and fair treatment be accorded to these workers and that the directives and their supplements be issued at least every three months to the people in charge of enterprises. The people in charge were reminded of these decrees and that adherence to these decrees and directives was to be kept in mind all the time.

Q Does the manifest close therewith?

A That is a paragraph from the manifest, dealing with the just and humane treatment of these workers, that they were to have food and free time and so forth.

Q You issued many, many decrees and directives. Was there any resistance towards your basic directives, and if so, what did you do thereupon?

A As soon as I noticed that there was resistance, naturally I emphasized my decrees and referred to them, for these decrees had been approved by the Fuehrer and were to apply to my sphere of influence.

Q As far as care and welfare were concerned, did the DAF play a part?

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And what was the task of the Deutsche Arbeits Front?

A The task of the DAF was the care of German workers and the looking after their interest, as such; as a matter of course, it had to concern itself with the welfare of foreign workers as well. That was its natural task, to work along the lines of and to be a corrective measure when it came to administrative positions, a function carried out in other countries by unions.

Q What task did the entrepreneurs have?

A Entrepreneurs had the task, as far as their enterprises were concerned, of regulating the total production, and of course, they were responsible for their workers and the foreign workers which had been assigned to them.

Q Were they responsible in the first place or was the German Labor Front responsible?

A The first line of responsibility remained with the entrepreneurs.

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Q Now, the workers mostly were housed in camps. Who guided the installations of these camps?

A The direction and installation of these camps, in the final analysis, was under the Deutsche Gewerbeaufsicht (German Trade Supervision), and that was under the German Labor Ministry. Gewerbeaufsicht had to survey the measures of compulsion used by entrepreneurs and people who did not comply with the regulations and used compulsion.

Q Did you yourself take measures to dispose of conditions in the camps?

A I dealt with the camps, but all of these actions were realized by the German Labor Ministry, which was the competent authority.

Q What were the living conditions within the camps? Who was responsible there?

A In the camps the person who was responsible was the Camp Commandant. This person, in agreement with the D.A.F. and the works manager, was put in service, and to my knowledge -- this was not my sphere of influence -- this man had to be confirmed and certified to by the Security Division.

Q You are talking about the Sicherheitsbehoerde. That is, the security authorities. To what extent was the police active in the surveillance of these camps and the keeping of discipline?

A As far as discipline was concerned, that was the task of the Camp Commandant, and it did not have any connection with the police. In my opinion, as is true in every state, the police had surveillance and control rights, and the nature of the industry was to be kept secret. Beyond that, the police had no function.

Q Were these camps shut off from the outside world? How were things like that when you assumed office?

A When I assumed office, the camps of the Eastern workers were shut off from the world, and they were surrounded with barbed wire. To me, this idea was incompatible with producing work, and I worked with much energy against this shutting off, and I brought this about, so that there was no barbed wire used, and other measures which were to limit the Eastern workers I tried to do away with, so that the picture which was presented yesterday actually was realized. I wanted a willingness to work and I considered that anything

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other than what I wanted would be incompatible with the work problem.

Q As far as the food problem is concerned, how was the nutrition of these foreign workers?

A The feeding of these foreign workers coincided with the bases that applied to the feeding of the German people, and the people who had to work hardest received additional food.

Q Did this actually apply and obtain when you assumed office?

A When I assumed office and received the order from the Fuehrer that in addition to the foreign workers who were already in the Reich, I was to bring in another quota of foreign workers, the first step which I took was to visit the Reich Nutrition Minister, for to me it was a matter of course that bringing in of foreign workrs would, first of all, entail a feeding problem, and that this was the first problem, for poorly fed workers, even if they want to, cannot turn out satisfactory work. In many, many conversations, and referring to the Reichsmarshal and the Fuehrer, I brought about the feeding schedule that was put down in laws. It was not easy to do this, for feeding in Germany was always a difficult problem, but without these laws it would not have been possible for me to carry through my task.

Q Regarding the food problem, things have been mentioned here which tell us about terrible abuses. Did not anything like that come to your attention, or did you not yourself have any knowledge of this?

A As far as abuses in the feeding situation was concerned, as far as the work camps are concerned, I never had any catastrophic reports about anything like that as far as civilian workers were concerned. I again tried to have this matter controlled constantly and checked constantly. The works managers themselves were very serious about the matter of provisions.

Q In a decree to the Gau Work Offices, did you not turn to them and rather criticize conditions which obtained?

A Immediately after I assumed office, when the Gauleiters were appointed Plenipotentiaries for Labor in their Gaus, I called their attention to the food problem and obligated them to give complete attention to the matter of food and billetting. I had work from two gaus that my directives had notbeen taken seriously enough. In one case I immediately travelled to Essen personally and remedied the situation there. One was the matter of

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the barbed wire. In the other case of Bavarian Ostmark I also intervened personally.

Beyond that I used these two incidents in order to write to the leaders of the gaus and German provinces and states and again stressed the importance of their adhering to these decrees.

DR. SERVATIUS: I am referring to Document 19, which is found in English Book I, page 54, Document Sauckel 19.

THE PRESIDENT: 19?

DR. SERVATIUS: In my document book, Number 19 in the first document book, page 54. Only a portion of this is in print. This is a copy of a decree and letter to the Gauleiter Offices and Gauleiters. It says the following:

"If in a Gau district the statement was recently made: Should any one in the Gau have to freeze next winter the first ones to freeze should be the Russians (that is the Russian civilian laborers mobilized for work in the Gau), such an utterance shows plainly that in that region of the Gau the contact between the administrative office of labor mobilization and the competent political offices is as yet not close enough; for it is one of the most important tasks in the mobilization of labor and in the collaboration between you and the Gauleiters as my deputies for the mobilization of labor, to see to it that the foreign labor recruited for work in the German armament industry and food economy be looked after in such manner as to enable them to give the maximum in efficiency. It would therefore be entirely wrong to think of protection against want only for German fellow countrymen, and to be satisfied unhesitatingly with inadequate provisions for laborers of foreign origin. On the contrary, the need is to be aware constantly of the fact that in order to bring about victory, a maximum of efficiency must be demanded not only of the German fellow countrymen but also of the foreign workers, and that it would be absurd first to go to the expense which is considerable for German economy of hauling foreign labor into the country, to arrange for work and then to fail in their proper care, with a resultant decline in their efficiency or possibly even their ruin."

In conclusion, there is a request to follow the decrees of Sauckel.

BY DR. SERVATIUS:

Q How about the clothing of foreign workers?

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A The clothing of foreign workers from the Western regions gave us relatively little trouble, for these workers had comparatively good clothing, but the clothing of the Eastern workers was a problem. On behalf of the Eastern workers, I applied for a quota of clothing for them, applying to two and a half million workers, that they receive a complete change of under and outer clothing. For that, 10,000 workers were required to supply this quota of clothing, as well as 30,000 tons of raw materials. Therefore, all possible concern was taken for the clothing, and this clothing actually was issued.

DR. SERVATIUS: The French Delegation submitted the document RF No.5. This is a recruiting statement "For igners work in Germany." I submitted this, and the High Tribunal again took official notice of this document. I should like to submit it again and refer to three pictures contained therein. The essential thing about these pictures is that the workers coming from the East, many of them, arrived barefoot, and later we see pictures where these female workers are seen well dressed, working in Germany , where it can be seen that their clothing problems had been alleviated.

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THE PRESIDENT: Is this Sauckel 5?

DR. SERVATIUS: It is the French Delegation, your Honor, RF No 5.

BY DR. SERVATIUS:

Q How about the time of work? Who regulated the working hours?

A The working hours were regulated and set down on the basis of the Fuehrer Decrees, and later on, by Reich Minister Dr. Goebbels. The carrying through of these decrees was my sphere.

Q What was the average time of work?

A During the war in Germany, one could hardly talk about the average working time. There was the legal working time of eight hours. Anything beyon eight hours had to be considered as overtime and paid a s such.

First of all, in the year 1943, the average working time per week was set down for 54 hours. Then, when Reich Minister Dr. Goebbels became Reich Plenipo tentiary for the entire war effort, against my objections and against the obje tions of other offices but on the basis of the authority which he had, he pro- claimed a 10-hour work day for all businesses. He demanded the 10-hour day and proclaimed it. However, this could not be carried through, for in many indus- tries and offices work had to be regulated according to the difficulties which appeared at that time, that is, the problem of raw materials, the problem of power, fuel, and so fourth.

In exceptional cases, which were not too infrequent, as far as productivi demanded 10 11 and 12 hours of work applied. German workers, as well, worked longer hours, and of course they were compensated correspondingly.

Q Dealing with the French document RF-22, on page 101 of the German te the following is set forth:

"From the reports of displaced workers who had returned home, it can be seen that the average working per week was at least 72 hours."

Then the source of this information is mentioned, but that does not seem to be important at this time.

"Sixty-four hour weeks were not infrequent. Cases of 100-hour weeks in in tallments of 30 to 38 hours duration were mentioned."

What can you tell us about this? Did you know of cases like that?

A I cannot comment on these reports, for I do not know whether we are

concerned with people who were being used in concentration camps or whether th were used in another sector as civilian workers, the sector which was my responsibility.

It is, of course, correct that in very exceptional cases there were perio of time in which long hours of work applied, and that was determined by the industry, and the German workers were obligated to work. But if this applied, a corresponding rest period had to be interspersed.

However, where these people mentioned in that document worked, that I cannot determine from the document and I cannot give you any information.

Q How about free time?

A Free time was at the disposal fo the workers.

Q And who regulated free time?

A The regulation of free time was under the DAF, the German Labor Front

Q How about the use of children and young people?

A Under the German Reich Law, children under 12 years of age are not permitted to work. As to children under 14, just a few may be used in agriculture, a few hours a day.

Q Did you issue decrees about working hours for children?

A I issued decrees and observed them, for the laws were already in existance when they applied.

Q Now I shall have shown to you Document 345-PS, which is a letter written by the Reich Minister Rosenberg addressed to Dr. Lammers, dated the 20th of July 1944.

THE PRESIDENT: Has this been put in before? Has this been offered in evidence before?

DR. SERVATIUS: This document was submitted several days ago in cross examination. I myself have just received it now.

BY DR. SERVATIUS:

Q I shall quote only the contents of the document dealing with the recruitment of young people. Referring to the age group 15 to 20, they were to be used in the Reich during the time of war. Then the document refers to the taking of young people in the age group of 10 to 14 into the Reich, and that is the "H Action". It says also that the objective of this action is the better care of these youthful workers of the HJ, and the use of apprentices in German economy, and that these measures have already

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been taken in agreement with the GBa, that is, with you.

Some of these suggestions are to be put in now. Please comment on them and tell us whether you were responsible for the use of these young people.

A No, I had nothing whatever to do with this action, and in the roster of addresses, my name is not mentioned.

Q Therefore, there were no special directives?

A No. This was an incident with which I did not concern myself.

Q Then I should like to submit another letter to you, a letter which was mentioned in connection with the Schirach case and submitted by the Prosecution. It is document 1137-PS, a letter dated 19/10/44/

On page 3 of this document, the following is set down:

"The following workers have been supplied to Germany: First of all, 3,500 young men and 500 girls for the Junkers works; second, 2,000 young men and 700 girls to the Todt Organization, from the Occupied Eastern Regions. Therefore, through the offices which are under the Hitler Youth, 5,500 boys and 1,200 girls were put at the disposal of the armament industry."

Were you responsible for the use of this labor, or did it have anything to do with you at all?

A No.

Q How were these people brought into the armament industry?

A Well, I personally am unable to explain that, but it can be seen that on the basis of an agreement with the Eastern Ministry, this took place.

During the proceedings here, I heard that we were not concerned with young people for whom work was prohibited. I was under the impression that this was an order, but I had nothing to do with it and my office had no concern with it.

Q How about the use of women, that is, foreign women, for labor purposes?

A Women from foreign countries were used in the same way as German women were used.

Q I have a document 025-PS which has been submitted. This is US Exhibit 698, which has been submitted very recently, and which is not contained in the document books.

These are the minutes of a session which took place with you, and on which occasion you dealt with the use of foreign female labor, In the third paragraph it says;

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"In this way, the Fuehrer has sanctioned the use of 400 to 500 thousand female workers in the eastern regions for domestic purposes, and GBA" -- that is you --"has been charged with the carrying through of this action which is to be concluded in approximately three months."

It says further:

"It is in accord with the specific wish of the Fuehrer that as many women as possible shall be Germanized."

Will you please comment on this.

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A Yes; here we are concerned with the decree from the Fuehrer for German domestic life, especially in order to alleviate conditions applied to German peasant women. Four hundred to five hundred thousand female workers were to be brought into the Reich from the Eastern Region. I should like to mention, in referring to the minutes, that I did not set down these minutes, neither did my office, but most likely that these minutes were set down on the basi of notes which rather some gentleman took -- four hundred to five hundred thousand female workers to be used in the home ---I should like to remark that they were to be brought into the Reich only on a voluntary basis; in fact, only perhaps thirteen to fifteen thousand---I believe the figure was---came into the Reich. The concept to Germanize, this concept as used here, refers only to the volunteer desire on the part of these people to perhaps later on remain in Germany voluntarily.

Q How about medical attention which the foreign workers received? Some things have been mentioned here and it has been said that "if the worker can no longer work, he is no longer a concern of ours;" that that supposedly is the basic principle of yours; that it is further stated that "work, food, and pay has to be determined if the worker can no longer work---then he is just something that we no longer are concerned with." What can you say in regard to these accusations?

A I should like to have you tell me just where I said that and where this is.

Q This is laid down in the record; that is, the minutes of the session; I have the page, the German, 2789. It says there "If the worker can no longer work, he is no longer any concern of ours." Did you represent this principle?

A On the contrary; there are hundreds of precise and clear decrees given out by me. These decrees are written down in the Reichsgesetzblatt. They are also present in special issues sent to the employment agencies and all of my statements are set down exact-

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ly, that the foreign workers were brought into the Reich---as far as their treatment is concerned, when they were sick, this treatment was accorded them in line with German laws and of course there was insurance as well.

THE PRESIDENT: Dr. Servatius, were you putting to the defendant a document where it was alleged he had said that after they were unfit to work, that it is no more his concern? Was it the document you were putting to him?

DR. SERVATIUS: This document was submitted regarding the female workers about whom he is alleged to have said that they were to be Germanized. I have left that document, your Honor, and now I have turned to the question of medical attention.

THE PRESIDENT: You mean that was in 025-PS, US 698.

DR. SERVATIUS: This document 025 refers to female workers only but we have left that question. We have disposed of that. I turned to another question, that of medical welfare but I am no longer dealing with the question of female workers.

BY DR. SERVATIUS:

Q Did you receive reports about catastrophic conditions as far as the state of health was concerned, that there was not enough medical care for the foreign workers?

A No. Not only German physicians became or got to be company physicians in these industries, and they had to deal with the hygienic conditions of health for the workers there, but also from the home countries of the foreign workers numerous positions and medical auziliary personnel was hired and put to use in these camps.

Q How did you check the carrying through of your decrees and what other agencies of control operated?

A These other control agencies, first of all ---

DR. SERVATIUS: Just a moment. I should like to refer to document No. 2. In this document, I have put down these control agencies and agencies of inspections. They are put down in a comprehensive picture, diagrams. It is document No. 2. I should like to explain this diagram briefly. In the center, you have the Reich plan or ministry under Seldte. Underneath that, the surveillance during peace and the

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industry and construction police. That is the only agency which had police powers of compulsion; that is, against the resistance, which could do away with a business and beyond that, there were other places which had to deal with the difficult problem of the care of these workers. First of all, if you turn to the Reich, the German Labor Front is shown. That is a comprehensive agency of the interests of the workers and of thepeople giving work and in one way, it represents those functions which in the past were carried out by the unions. From there on, the care turned to the industries involved. There was a special inspection office of the Reich, inspection office of the German Labor Front, and this is a place where the foreign workers had their own liaison men in order to take complaints. In the enterprises themselves, foreign workers were found who could report on condition there. Then, turning further to the right, is the Reich Food Ministry which as well, through the state office, concerned itself with food and billets, and the report which went to the Reich Foreign Minister in a diplomatic channel, and then with Sauckel in the last instance; and then for the Eastern workers, there is a special agency under the Ministry Rosenberg and that is the Central Board for the peoples from the East. And this last document, which we saw, apparently came from one of the gentlemen of this office; this Central Board for the people from theEast had their agents in the industries and received their reports. All these reports then turned to Sauckel.

Now, I shall turn to theleft part of my picture. Sauckel himself instituted for inspectional purposes, first of all, a labor staff which was sent about to visit enterprises and we have heard through several witnesses that these inspectors appeared and saw that everything was in order. Then he had a special office, the Reich Inspectorate. Complaints were sent to this inspectorate, complaints which came from the German Labor Front, and Sauckel says that he immediately transmitted these complaints to the proper agencies -- they were sent to the Reich Inspectorate which in turn advised the necessary offices and in the final analysis, for the carrying had to use the compulsory measures as applied by the Reich Labor Ministry. Then, also, the Gauleiters were put to use to serve for the surveillance and for the witnesses which had appeared here, witnesses who had been Gauleiters, had confirmed that, as they were charged with these problems

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and that they acted in accordance. To the left, we deal with care, through the Reich Ministry for Public Enlightenment and Propaganda which carried out a surveillance of the camps and of the workers. Then, in conclusion, the very last point; the Wehrmacht had its own surveillance machinery through their inspectors which took care of the prisoners of war and which saw to it that the Geneva Convention was adhered. All of this was marshaled in the person of Sauckel and he has just told us that no catastrophic abuses were reported to him and that he used decrees and gave hisdirections and directives that way.

THE PRESIDENT: Dr. Servatius, will you ask the defendant whether that was a correct statement on the meaning of the chart?

BY DR. SERVATIUS:

Q Witness, this diagram and explanation given by me and which was submitted to you, is that correct?

A Yes, of course.

Q Will you, yourself, comment on the activity of the Gauleiter, how they were authorized and did you supervise the Gauleiters?

A The Gauleiters themselves I could not supervise, for as far as discipline was concerned, they were not subordinate to me but through my labor staff, through the members of the staff at intervals of about three months, I had these Gaus visited and on the occasion of these visits, the complaints of the Gauleiters were listened to and enterprises and camps were inspected and it was checked to see how far my directives were carried out or not; and I should like to remark that this control or this check did not visit concentration camps, for that was an entirely different pattern which was subordinate to Pohl and I had no right to interfere ther

THE PRESIDENT: We will adjourn now.

(A recess was taken until 1400 hours)

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5/5 file

AFTERNOON SESSION

(The hearing reconvened at 1400 hours, 29 May 1946)

DR. KUBUSCHOK (Counsel for defendant von Papen): I ask permission for the defendant von Papen to be absent from the court sessions tomorrow morning and afternoon, as I need a longer conversation with him for the preparation of his defense, which I would otherwise not be able to bring about. Dr. Flexner will be present during the session.

THE PRESIDENT: Yes.

THE MARSHAL: If it please the Tribunal, a report is made that the defendant Goering is absent.

THE PRESIDENT: As I said this morning, the Tribunal will rise at 4 this afternoon.

FRITZ SAUCKEL -- Resumed

DIRECT EXAMINATION -- Continued

BY DR. SERVATIUS:

Q We had come to the inspections, but I should like to go back to one question.

You said that the leade of industrial units was responsible for the workers. Did that also apply to the prisoners of war and inmates of concentration camps?

A No. As far as the prisoner of war camps were concerned, the Army was responsible, or that part of the armed forces under whose authority these prisoners of war were kept.

To my know,so far as the inmates of concentration camps were concerned, even if they worked, only the concentration camps themselves were responsible for them; that is, the administration.

Q You had installed a Department 9, of Reich Inspectors in the Reich Ministry of Labor. What were the tasks of that inspection department?

A I had installed that inspection deparment, which had not existed before, in the Ministry of Labor because I wanted to see, in the entire area of the Reich and in the occupied territories where German enterprise and German labor contracts were valid, that the unity of these contracts and their execution should be examined, that unified administrative regulations

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should be examined and brought about, and also to see whether my decrees were carried out concerning food and lodging, and to what extent it was necessary to change them. That also came out and was put down in a decree which I made concerning that inspection deparment.

Q What was the position of that central inspection department with regard to the German Labor Front? That was the central inspection office for the care of foreign workers.

A The central inspection office, DAF, had the task, in the camps in Germany, to care for the foreign workers, or rather, to inspect and examine the care that was taken of foreign workers, and to see whether that was done as it should be.

Q When bad conditions were reported, therefore, did that inspection department report that to you, or who received the report?

A There was an agreement between the leader of the German Labor Front, Dr. Ley, and myself, which was also added as an annex to the decree about the institution of a central inspection department. It stated that in every case where conditions in camps were in question or referred to, the central inspection department had to go directly to the Reich offices, that is, the inspection office in the Reich Labor Ministry. However, shortcomings in the use of labor or of manpower itself-- for instance, whether too much or too little manpower was available--were to be reported to me.

Q By this agreement, therefore, your rights were limited?

A Yes.

DR. SERVATIUS: That is document 1913-PS, which has been submitted. It is an agreement between

Sauckel and Dr. Ley of the 20th of September, 1943; it is USA 227. It is document number 41 in the English document book. I shall only refer to it, without quoting from it.

Q What other kinds of inspection offices existed then? And I am thinking about the Frenchmen.

A Well, institutions of liason with foreign workers were put into office whose members in connection with the German labor front, had the right to visit camps. to listen to the workers individually, and to accept complaints from them. A special agreement had been reached with the French Government, in collaboration with the Reich Foreign Ministry.

DR. SERVATIUS: That is document Sauckel No. 31. It is at page 79 of the English text in document book NO.1. "French Agency for the care of the French workers utilized in the Reich." That is a circular from the General Plenipotentiary for Labor Commitment dated 30 April 1942. I submit herewith the document itself, which is in this collection. I quote:

"Herewith I publish the following communication of the Foreign Ministry of 10 April 1942.

"The Government of the Reich has notified the French Government that it agrees to the following regulations regarding the care of the French voluntary workers in Germany:

"Besides the already existing office for prisoners of war, an agency for the French civilian workers will be established under the direction of Ambassador Scapini in Berlin. The Reich Government is making a building to house this agency. The office may establish branches in four other German cities.

"The agency is charged with the care of the French workers in Germany. It supervises the observation of the contracts concluded by the engaged workers. It may accept propositions from the workers and transmit them to competent offices, and may see to the removal of unwholesome conditions. It is entitled to issue certificates and documents for the use of the workers before the French authorities.

I omit one paragraph.

"Moreover, the Chief of the entire French representation is granted the diplomatic privileges of personal immunity in execution of their tasks, as well as exemption from German juridiction and from the compulsory power of the police."

BY DR. SERVATIUS:

Q Practically, how did that office work with you?

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A That office practically worked together with the DAF, and with me, the representative of that office, took part in the negotiations in France with the French government. The office changed, insofar as the care of the civilian workers was later taken over by Mr. Bruenedon in the place of Mr. Scapini.

Q Only a change of personnel?

A Yes, only a change of personnel. I have frequently talked with these gentlemen and acted according to their demands.

Q What was the central office for the peoples of the East?

A The central office for the peoples of the East and the office of the Reich Commissar for the Eastern territories.

Q How did that office work?

A It worked similarly, very much like the French office only that it was a German organization but it had the confidence of the eastern workers which worked with us as liaison men.

Q Didn't you receive any complaints from that side?

A Aside from the cases which I have discussed with Rosenbe and which were reported to me through him, none.

Q Now I come to the question of the maintenance of labor discipline. What regulations existed there in order to maintain labor discipline, punctuality, correctness of work? What kind of regulations existed?

A In Germany the regulations concerning labor discipline were a matter of the individual industries. Each industry, each unit, had regulations which, in agreement between management and the workers' council, had been established in normal times. This council had the authority to establish fines in the form of payments. During the war the question of labor discipline had become more central because it was not possible, on the basis of scarcity of workers, to make use of the right of dismissal because the Germa worker and German labor were under emergency decrees, war time emergency decrees and laws. In order to maintain it, though, later, upon suggestion by the Ministerial Council, I issued a decree No. 13.

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That decree is available, and provides, first, a graduated punishment within the industries against perpetration against work discipline; that is lack of punctuality.

DR. SERVATIUS: That is Document No. 23, Document Book Sauckel; in the English book, No. I, Page 62. The witness has mentioned the contents. I only refer to it now.

THE WITNESS: These measures within the industries for the maintenance of work discipline were graduated from a reproach for laxity up to fines, military fines as high as a day's wages.

BY DR. SERVATIUS:

Q What was done in case of tenacious perpetrations?

A In case of serious perpetrations, if it could not be taken care of by the Honor Courts of the Labor Front, it had to be reported to the police.

Q That concerned foreigners as well as Germans, that law, that decree?

A Yes, that referred to foreigners just as well as Germans.

Q And what in case of criminal offenses?

A They also had to be reported to the police. The labor authorities had no competence in criminal and similar cases.

Q Where did the complaints go to if these regulations were not applied correctly? That is if instead of fines corporal punishment would have been used?

A These complaints came to the Labor Front; that is to say, to the Liaison member of the Labor Front.

Q Have any such cases been reported to you?

A Neither to me nor to my office, because that was not within our competence.

Q What were the labor training camps, educational camps?

A These camps were institutions of the Reichsfuehrer SS.

Q Who came into such camps?

A To such camps came whoever was sent there by the officers as punishment for perpetrations against labor regulations.

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Q Was that the same as concentration camps?

A No, in my opinion not. Also, the labor training camps, correction camps, were neither under the care of the Reich Labor Ministry nor under mine. That was a police institution.

Q It is known to you here from these proceedings that quite a number of workers, in fact, came into concentration camps. How can you explain that?

A DR. SERVATIUS: That is Document 1063, USA Exhibit No. 219, a letter of 17 December, '42; in the English Document Book No. 28, in the Slave Labor book.

BY DR. SERVATIUS:

Q It is a letter from the Chief of the Security Police and the Security Service, SD, secret to all SS officers; at any rate, not to you. I quote: "For reasons of war necessity not to be discussed further here, the Reichfuehrer SS and Chief of the German Police, on 14 December, 1942, has ordered that until the end of January, 1943, at least 35,000 prisoners qualified for work are to be sent to the concentration camps. In order to reach this number, the following measures are required: 1. As of now, so far, until 1 February 1943, all eastern workers, or such foreign workers who have been fugitives or have broken contracts, are to be brought by the quickest means to the nearest concentration camps --"

THE PRESIDENT: Presumably, the witness knows the document.

DR. SERVATIUS: Yes. I only want to inform him briefly.

BY DR. SERVATIUS:

Q Do you know that document?

A I have seen that document here for the first time.

Q You didn't look through it yet?

A I have an excerpt here in Nurnberg.

Q Then I should like to draw your attention to the decisive part. Will you please read at the bottom of the first page. It says the following: "To Other Officers: Every one of these

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measures has to be described as absolutely necessary measures of security with causes given and taken from the individual case so that complaints can be prevented and complaints avoided." What did you know about that decree?

A Nothing was known to me about that decree, but today I see many things explained by it about which we could not find any answers. That seems to be a letter by Gruppenfuehrer Mueller, and to my surprise, it states quite clearly that other authorities -- and they can only refer to my offices of Speer's, that these measures should be described as security measures. That was a fraud against us.

Q What do you consider --

THE PRESIDENT: Before you pass from this document, I understood the Defendant to say that workers were sent to labor camps for infraction of labor rules. That was what you said, wasn't it?

THE WITNESS: If workers, in spite of repeated warnings and fines within the industries, did not show improvement or the perpetrations continued, these workers were sent by the industries, not by me -- were reported by the industries, not by me, to the police officers; and these police officers, to my knowledge, had an agreement with the Reich Minister of Justice according to which police courts --

THE PRESIDENT: I asked you where they were sent, when you said that they were sent to labor camps for infraction of labor rules and for no other reason. Did you say that?

THE WITNESS: For no other reason; for perpetrations or for criminal offenses.

THE PRESIDENT: Then how do you explain the first words of Paragraph 1 of this document: "As of now, all eastern workers must be sent to the nearest concentration camps"?

THE WITNESS: It says here, in the German text, Your Lordship: "As of now, so far, until 1 February, '43, all eastern

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workers, or such foreign workers who have been fugitives or who have broken contracts, who do not belong to Allied friendly or neutral states, are to be brought by the quickest means, and under consideration of the necessary formalities as listed under No. 3, to the nearest concentration camps." That is the directive of that office which I did not know.

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BY DR. SERVATIUS:

Q What do you understand by "extermination by labor"?

A I have heard that expression, "extermination by labor" for the first time here in the court room. Such a point of view happened to be absolutely contrary to my interests with which I was charged in my office.

Q Did you have anything to do with the use of concentration camp inmat

A I had nothing to do with the use of concentration camp inmates, and I also directed my assistant that we would have nothing to do with that use of manpower. I had nothing to do with punitive measures of any kind.

Q Who put the concentration camp inmates to work in the armament industries program?

A To my advice and knowledge, I cannot explain that to you because I had nothing to do with it, and I never participated in conferences about that

Q It has been presented here that you had used the Nacht und Nebel Order in order to get workers to Germany.

A I personally never knew the Nacht und Nebel Order. I only found about this here. It had nothing to do with my task of manpower mobilization.

Q What about the commitment of Jewish labor? What did your office have to do with it?

A I had nothing to do with the commitment of Jews. That was the job of the Reichsfuehrer SS entirely.

Q I submit the document R 91. That is U.S.A. Exhibit 241, and RF 347. It is not included in the document books. That is a letter from the Chief of Security Police and Sd Mueller to the field command post of the Reichsfuehrer SS of the 16th of December, 1942. It says there:

"Because of the increase of the recruitment of manpower which has been ordered, and their transfer to the KL" -- which should be "KZ"; that is, concentration camps -- "in the use of Jewish manpower, we include the following: Total number, 45,000 Jews".

Then there is a detailed specification. And among other things, it says at the end, "3,000 Jews from the occupied territories of the Netherlands", and further, "The number of 45,000 does not include the number of those incapable of working."

What is your connection with that letter?

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A I just noticed that letter for the first time. I have not known it before; and I can only emphasize that those transports and those happenings were not at all identical with my task, or my mission, and that at no time had I anything to do with them.

Q Then we have here L 61, which has been submitted. That is U.S.A. Exhibit 177, in the English Document Book, "Slave Labor", Document No. 6. This document was in the first list of documents which was made available to the defense, and it was listed as an original letter by Sauckel which admitted the deportation of Jews.

Will you please read this letter now to yourself and state your position, particularly as to how far you had anything to do there with deportation of Jews?

I shall briefly explain the contents. It says there in that letter of the 26th of November, 1942:

"By agreement with the Chief of the Security Police and the SD, Jews who are still in employment now are from now on to be evacuated from the territory of the Reich and are to be replaced by Poles who are being deported by the German government."

It is a letter which ends, "I transmit the foregoing copy for your information. Insofar as the removal of Jews concerns your area, I request that you take the necessary measures in cooperation with the competent officers of the Security Police and the SD".

Then it says, "Signed, Fritz Sauckel".

Will you state your position with respect to that letter, please?

A May I say with respect to this document that it was shown to me already in

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preliminary interrogations. When it was presented to me again in the course of the proceedings, I found out that it was not an original document which I signed. It bears my name typewritten.

Secondly, it appears very peculiar to me that this letter, which I am supposed to have signed, was not datelined by my office. My office, as can be seen frommany documents, was in Berlin, in the Mohrland Strasse. This letter came from the Saarland Strasse.

As far as the contents are concerned, I have to state that at no time did I have an arrangement with the SD and Security Police in the sense of that letter. I could not remember the letter in any way, and I cannot remember it now, either. The only correct thing stated in that letter is that I was obliged to make up the loss of manpower in German industry, whether they were Jews, soldiers, or other losses of manpower, within two weeks. It is possible that that letter came from the Saarland Strasse, from a subordinate office. I cannot say anything else about it.

Q How is it, then, that the last phrase "Signed, Fritz Sauckel", comes under the letter? That I cannot understand.

A If it was correct --

THE PRESIDENT (interposing): Have you got the original there?

DR. SERVATIUS: No, I do not have the original. It has been submitted by the prosecution, and therefore is in the files of the Tribunal.

THE WITNESS: The happenings were happenings which occurred before I came into the office; that is, at the time I came into the office, they had already taken place.

BY DR. SERVATIUS:

Q Did you have any knowledge as to what would happen to the Jews?

A Do you mean -- ?

Q (Interposing) The final solution?

A No, I have no knowledge of that. It would have alleviated my task, and I would have had much less difficulty, if all these people, as far as they could have worked, would have been made available for the manpower mobilization. That final solution was quite unknown to me, and was quite contrary to my interests.

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Q Concerning the question of wages, now, who was responsible for the wages?

A During my term of office, I was responsible for wages.

Q What kind of wages was paid? Will you first read these out?

A As a matter of principle, all foreign workers were paid the wages which had been agreed upon by contract with the various offices in the government, and that was the wage according to legal wages in certain regions in Germany.

Q What about the so-called Eastern workers?

A With the Eastern workers, I was confronted with an arrangement when I took office which put heavy taxation on their wages in favor of the Reich. This was on the basis of a decree of the Ministerial Council for National Defense.

Q Were you satisfied with that, or did you take steps to improve conditions?

A It can be seen from the documents -- that is to say, from decrees which I issued during my term of office -- that this settlement, which I considered intolerable, was improved gradually step by step, as far as it was possible for me to overcome the resistance against it, so that in 1944 the Eastern worker was on the same level as the German worker.

The first improvement was reached already in June, 1942, by 100%, the second in 1943, and the last in March, 1944, by Decree 11.

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DR. SERVATIUS: I am referring here to the following documents which I shall not read: Document S-50, in Book 2, page 134; Document S-17, in Book 2, page 137; Document S-52, Book 2, page 143; a further document, S-58, Book 2, page 156; and finally, Document S-58 A, Book 2, page161. I submit the original in a collection "Working Conditions of the Eastern Workers."

THE PRESIDENT: Dr. Servatius, I understood the defendant to say just now that that document L-61 was drawn up before he took charge of the labor commitment.

DR. SERVATIUS: No, he said that the contents referred to happenings which occurred before his term of office and were almost completed at the time when that letter was drafted ; that the condition had already existed.

THE PRESIDENT: There is nothing in the document to show that, is there?

DR. SERVATIUS: It can be seen from the date.

THEPRESIDENT: The date is the 26th of November, 1942.

DR. SERVATIUS: The appendix refers to a decree of the 27th of March, 1942, the second appendix, and then if we go back further, there is an appendix of the 21st of January, 1942, and both of them deal with that question. That which we have quoted here was only the last letter, the final letter.

THE PRESIDENT: I see. We haven't got the full document before us then.

DR. SERVATIUS: Yes, I shall submit it.

BY DR. SERVATIUS:

Q Speaking about the wages of the eastern workers did the eastern workers receive any compensation besides these wages?

A The Eastern workers, at my intervention, received compensations in the form of premiums for better work, Christmas bonuses such as the German workers received, and then there was an agreement with the Eastern Ministry to the effect that the families of eastern workers should receive the amount of 131 rubles per month upon request.

DR. SERVATIUS: I refer here to several documents, that is, Document 22 in the English book Volume 1, page 59, and then a decree, Document 54, concerning premiums, which is in Volume 2, page 151; then to Document 57 concerning Christmas bonuses, Volume 2, page 155.

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BY DR. SERVATIUS:

Q What remained for the eastern workers as cash?

A The eastern worker kept his cash when I started in office, that is, before the regulations I had brought about. After his expenses had been deducted for lodging and food, there remained about 4 marks 60 pfennigs per week. One might consider the average wage for an average worker in German industry of 60 pfennigs in order to give an example.

This free amount, Freibetrag, as it was called, was increased for the same type of worker in June 1942, after I had an opportunity to examine these conditions, by about 100 per cent, to 9 marks 10.

May I state that the German worker at the same wage level, considering his taxes and expenses for rent and heat, under no circumstances could save any more or have any more savings left over. That principle was made a general rule by the Ministerial Council for Reich Defense. That was not set up by me, but in March or April 1943, the Russian worker also on the basis of my intervention, found an improvement up to about 12 marks, and in the spring it was improved to about 18 marks.

THE PRESIDENT: I don't think we need to have all this in detail. There is no particular charge against the defendant that he didn't pay any of the workers, is there? I mean, he says he paid them and we don't want the details of the number of marks.

DR. SERVATIUS: Mr. President, an accusation has been made as to slave labor, which as a rule is unpaid labor, and the French Report RF-22 has figured a damage of 77 billions which was brought about to France by the use of her workers. In that connection, it is interesting to hear this at least briefly.

THE PRESIDENT: You don't want exact details of it, do you?

BY DR. SERVATIUS:

Q What about the possibility of transferring these wages?

A The possibility of transfer of money had to be created by me, because the only sensible reason for a foreign worker to work in Germany was so that he could support his family back home by sending part of his earnings back to his native country. That was done on the basis of agreemen reached with the President of the German Reichsbank. He himself has testifi to that.

DR. SERVATIUS: Concerning the question of wages, I refer to Document 021-PS, which has been submitted as F-44. It is

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not in either one of the document books. It is dated the 2nd of April 1943. It is a draft with the calculation of wages, dealing with the improvement of wages of eastern workers. I do not want to quote it, but a study will reveal that serious attempts were made here to bring about an improvement and a balance of conditions.

BY DR. SERVATIUS:

Q What was the duration of labor contracts?

A The duration of labor contracts depended on agreements which had, in each particular case, been made with the governments in question. As far as the western and southern countries were concerned, the duration of the contract for one-half year or three-quarters year or one year was foreseen. As far as the countries in the east were concerned, or the Soviet workers, I found, when I came into office, I was confronted with a regulation which foresaw an indefinite period, and since I considered the regulation necessary here in spite of the great distances, I finally saw to it that here also a limitation of two years was made.

Q Was it intended that the use of this manpower should continue after the war, that these foreign workers should remain in Germany? I ask that question because the French Prosecution, from the book "Europe Works in Germany", RF-5, on page 23, has quoted a passage which expresses the following:

"A large percentage of foreign workers, after victory, will remain in our Gaus in order to be retrained for recovery work, and to continue what the outbreak of war made impossible, and what, on the basis of plans, is waiting for realization."

From what, it was concluded that the labor draft should continue to exist even after the war.

A That was entirely the opinion of the author of that article, but I believe that it can also be found there that the workers would return home and there put to us in the interests of their own homeland, part of their new experiences and their new knowledge which they had gained in Germany.

Under no circumstances did I intend in any form or manner -- nor could

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I do so -- to keep foreign workers in Germany after the war. On the contrary, I even directed that a very carefully set up card file of foreign workers should be kept, on the basis of which, in case of a favorable end of the war, it would be possible for me to return these workers conscientiously to their native countries and to keep a record of it.

Q If I understood you correctly, we are not confronted with forcible retention of the workers, but keeping them here at their wish.

A Yes, it was reported to me that a large number of foreign workers wanted to stay in Germany.

Q What about the forced obligation, the labor draft? How were contracts made there?

A On the basis of the voluntary obligations, and there was no difference made between the pay of what we called Dienstverpflichtungen, labor dra ft, and voluntary workers. They had the right, regardless of how they were recruited, to return after three quarters of a year. There existed the possibility of extension.

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Q In which cases was that contract extended?

A The contract was extended when the worker voluntarily wanted to continue his services or when extraordinary emergencies or loss of manpower in that particular industry justified an extension. Then that had to be discussed with the liaison man.

Q And besides the civilian workers there were also prisoners of war used in Germany. What did you have to do with that use of manpower?

A The commitment of prisoners of war was quite complicated, because it had to take place in accord with and under agreement with the General in charge of prisoner-of-war affairs. For me, it was very difficult to develop this so-called technique of commitment. That is a concept which I shall try to explain:

There existed the Geneva Convention, according to which prisoners of war could not be used in armament, ammunition industries. If, however, the prisoners of war were not used in the armament industry , then that meant that so and so many German women and workers were replaced and put into those industries in which the Geneva Convehtion prohibited the use of prisoners of war, and that is, in their place prisoners of war were used. And that was done in agreement with the office of the General for prisoners of war.

Q And who saw to it that the Geneva Convention was kept?

A The General for the Affairs of Prisoners of War, we ourselves, that is, the Administration for Labor Commitment,were adhering to the principle of the Geneva Convention and several times they compiled a catalogue of those types of labor for which prisoners of war could be used. Also, during my time, in 1943 and 1944, that was published as a special publication -- the so-called blue publication.

Q Have you known about cases where prisoners of war were used contrary to the Geneva Convention?

A Certain agreements, arrangements, were made with the French Government so far as volunteers were concerned, and in part also for Eastern workers.

Q Who was responsible for the lodging and feeding and care of prisoners of war?

A Exclusively the office of the General for the Affairs of Prisoners

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of War.

Q Is it known to you that millions of war prisoners had perished at the time you assumed office?

A It became known to me before I assumed office that in the so-called Kesselschlachten in the East a great number of prisoners of war perished becau they had been weakened by the long duration of these battles and there were great difficulties in the way of their evacuation, even on our side.

No more details are known to me.

Q At the beginning of the activities, you had to do with prisoners o war, didn't you? What could you find out at that time, or did you take any initiative?

A I found out that some of the Russian prisoners of war were terribly undernourished.

Q What did you do?

A Together with the General for the Affairs of Prisoners of War, I s to it that all these prisoners of war -- as far as I know and remember, there were only 70,000 in the Reich at that time -- should be billeted with German farmers, German peasants, with an expression which we called "Aufpeppeln", that is feed them back into health. And there was an obligation connected with it, to feed these prisoners of war for at least three months without putting them to work. For that, the peasants received the assurance that un the end of the war this prisoner of war should stay with him for work.

Q During the course of the war did these prisoners of war personally change into free laborers?

A Yes. The use of French workers especially took place only on the basis of agreement with the French Government. These agreements were conclu under the sponsorship of the German Ambassador at Paris, on the basis of tas with which I was charged by the Fuehrer and by the Reichsmarshal. These qu were dealt with and agreements were made. The first quota was 250,000 French workers, and as a counter-measure for the use of these voluntary workers -- and I emphasize voluntary in this connection -- there were to be and were 50,000 French prisoners of war who had been peasants, who were returned to the French Government and put at their disposal for agricultural purposes, so that French agriculture would be facilitated.

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Q And what was really "the relief"?

A What was really "the relief" was an agreement between the French Government and my office that for three French workers who came to Germany one French prisoner of war would be put at liberty and put at the disposal of his home country. And this was done on the decree of the Fuehrer. That is, this prisoner returned home.

Q And who was responsible for this agreement?

A This agreement was concluded on the basis of a discussion between the French Prime Minister and myself. I was much in favor of this agreement, for I myself during the First World War spent five years behind barbed wire.

Q Was it an improvement for the prisoners to return home?

A Yes, they returned home.

Q And how did the civilian population react to that? That is, how did the people feel who had to go to Germany?

A This was an act of comradeship and according to the reports I received the feeling was favorable.

Q Then in practice, on the basis of one prisoner of war, did three workers come?

A No, everything was done in the same way. These workers were free. They were not prisoners in Germany.

Q Did they have to come to Germany for an unlimited period of time?

A No, they stayed according to the length of their contract, just like the others.

Q What was the duration of a contract?

A About nine months.

Q Then it worked itself out that after nine months the prisoners of war, as well as the other workers, could return home?

A Yes; this very exchange necessitated new quotas and new agreements with the French Government, for there always had to be replacements.

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Q Were these negotiations carried on under a certain pressure?

A No; but I wish that you would hear witnesses on this. They were carried out on a free diplomatic basis.

Q To what extent was this relief carried through, on a large or limited scale?

A It was carried out on the basis of 250,000 workers who were to go to Germany.

Q The French Prosecution in their official report said that only weak and ill people were sent back, that is, people who couldn't work anyw What do you have to say as to that?

A According to my knowledge, French prisoners of war, French soldie were sent back, and the sending back, the selection of these soldiers to be sent back, was not in my sphere but the duty of the General in charge o the prisoner-of-war system; and I consider it entirely possible that sick soldiers were sent back to their home country in thisway and on their own wish. But certainly it was not the intention to send only sick people or olderly soldiers, but applied to all soldiers.

Q There was a second course which was followed; there was a law whi was to alleviate conditions. What was that?

A The alleviation institute was a third agreement, with the followi provisions: In Germany French prisoners of war received the same contract as all other French civilian workers when a new French worker came to Germany.

Q That was the relation or ration of one to one.

A One to one.

Q Did these French workers obligate themselves indefinitely or was the time limited, or was it handled --

A It was handled in the same way as the relief measures.

Q This statute, was it hailed by the French soldiers or did they disapprove of it?

A It was not disapproved; it was hailed, depending on the attitud of the soldier. A portion of them rejected it, but the others hailed it For, this measure saw to it that the worker would receive a high wage and that he would be outside barbed wire. And I myself saw how an entire com hailed this statute, and it was shown that the gate and barbed wire were

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were done away with, and there was no further surveillance any more.

Q Could these prisoners who had been turned into workers come home?

A Yes, it is shown in my document that they could have left.

Q Did they actually leave?

A Yes, they did. Many of them returned and an equally large part of them did not return from their leaves.

Q I should like to refer to Document RF-22, German text, page 17, of theFrench Government report. This document shows and admits that the prisoners received leave to go home and the unfortunates did not return and therefore this procedure was stopped, it was done away with. Have you heard of the concept, "Indirect Forced Labor"?

A No. Please explain it to me.

Q I am referring to a French report, and this concept applied to those workers who worked in France in armament industries so that the result of this work was in favor of Germany, and, of course, Sauckel was not connected with this in any way. This French report, which deals at length with the economic side of manpower mobilization, says that according to that an elastic system was followed, a system in which there were amiable relations; then the measures were intensified and harshness used. In this connection was there a plan laid down? Did you have to carry through certain directives? Tell us what system you used and followed.

A I should like to go on record with this question. A plan of this sort, as you have just outlined it, actually did not exist. The only thing which existed was my program, a program which I set up and which is in the possession of the Tribunal, a program whic I have to admit and to which I adhere, as far as responsibility is concerned, and responsibility for my officials. This program was carried out in my decrees and directives which are available without any gaps. The development of this war did not permit me to contemplate just how it was to be construed. We ourselves were in the stream of development of this war and did not have time to ponder certain matters.

Q What were some of the industries in France?

A The Speer Betriebe (Works). They were industries between the Reich

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Minister, Speer, and I believe the French Economy Minister, Bicholonne. These two gentlemen had agreed that they were to be industries which in part would work for German armament, in part on German civilian production, and as far as recruitment of my office was concerned, they were to be excluded.

Q What was the number of workers which were brought to Germany from foreign countries?

A The number of workers brought from foreign countries to Germany according to careful estimates of the statistical department in the Reich Labor Ministry may be said to be about 5,000,000; that is a rough figure.

Q. Did you determine how far these laborers were to be used and who was to be brought in?

A. No, I could not determine that, but I was not the German economy, and of my own accord I could not determine the extent of German armament and agrarian programs.

Q. Aside from the constant needs and demands which you had to supply, there were certain programs, measures demanded by the Fuehrer. Is that true?

A. Yes, the Fuehrer set up the armament program, as far as I know.

Q. You mentioned four programs to me. I shall read those figures and perhaps you can confirm what I am reading. In the first program, in April 1942, the demand was 1.6 million; 1.6 million was the supply brought in, and the entire figure was made up of foreigners. The second program, in September 1942, 2 million, and it was met with 2 million, and one million of those, one half, were foreigners. In the year 1943, the demand was one million, and the demand was met with one million; foreign workers, one million. The last program, on 1 January 1944, the demand by the Fuehrer was 4 million, and the demand met with .9 million.

A. I should like to correct you. The figure should read, demand met with 3 million.

Q. The demand was 4, and the need met was 3 million, and how many foreigners?

A. That is .9 foreigners.

Q. How many workers came from the East, how many from the West, and how many from other regions?

A. It is hard for me to give you the exact figures without data or statistics, but on the average I can say that about 30 per cent might apply to each of these brackets, but perhaps the percentage in the East was slightly higher.

Q. And how were the demands set up?

A. Through the men who were charged.

Q. And what were the Bedarfstraeger?

A. The Bedarfstraeger, the ones charged with filling of the needs, was

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the armament Ministry, the Agricultural Ministry, the Reichsbahn, mines and so forth; various ministries and large concerns.

Q. And to whom did they give their demands?

A. Usually to the Fuehrer and to me, and there were collecting agencies, such as the Four Year Plan, which existed.

Q. And if your demands were to be scaled down -- or were these the first demands?

A. I have just said -- I should like to say that that varied. The demands were put to me, but at the same time they were also put to the Fuehrer because the Fuehrer had to approve of these demands.

Q. And what was the position of the Central Planning Board in this connection?

A. The Central Planning Board was an agency in which, above all, to my knowledge, the raw material quotas were set up, but in which workers' problems were dealt with and discussed.

Q. Could you receive orders from the Central Planning Board?

A. Yes, the demands which were put to me I had to consider as decrees, for the Fuehrer had obligated me to meet the demands of the war economy.

Q. Did you belong to the Central Planning Board yourself?

A. No, I was only called in when there were debates relating to the manpower problem.

Q. What was the relationship between your office and the office of Speer?

A. My office was in such a relationship to the office of Speer that I had to meet the demands put by Speer.

Q. Did Speer have a special machinery for manpower mobilization?

A. Yes, he had to have that in his ministry, and he did have it.

Q. Could you meet the demands put to you?

A. No.

Q. Were your labor supplies or reserves exhausted?

A. According to my conviction, yes, for even in the year 1943 -- and it was the objective of my manifesto to point this out -- the economic problems of the occupied countries were very severe, and they had to be regulated and

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settled, so that there would be no confusion.

Q. What were the labor reserves present in Germany?

A. In Germany, beginning with or after 1943, there were no manpower reserves which we could use: Many discussions took place about this problem but the chief demand for German workers was for specialized labor, miners and workers in heavy industries.

Q. And how about manpower reserves in France which were to be utilized?

A. I must say that from our point of view, with respect to our economic point of view, there was a very extensive reserve there.

Q. Do you wish to say that on a comparative basis the economic power of Germany was far more exhausted than that of the occupied countries?

A. Perhaps I can cite an example in a comparison with the first world war. In the first world war, in the mobilization of labor, ten to twelve million Germans were used. In this war about 25 German men and women were used, and about half of the second figure were women. In Germany those women were not included in the labor mobilization who were active in the Red Cross or other welfare agencies. These women could not be included in my statistics, but other countries used these figures.

Q. I have a concluding question. In your capacity or

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activity as Plenipotentiary for Labor, seen from today, what is your attitude toward the use of foreign labor in general?

A It is very hard for me to answer this question. I myself and the German people as well had to be of the opinion that this war -- and in order to be truthful, I have to include the Party -- we did not wish this war nor were we responsible for it. We are of the opinion and attitude that we had to do our duty for our people.

THE PRESIDENT: Dr. Servatius --

BY DR. SERVATIUS:

Q You are not to give us an extensive answer, but rather to give us a brief answer on whether today you consider your activity justified or not. Just be brief, please.

A As far as the war situation and the Germaneconomy are concerned, and with that point of view, and the way in which I looked at my manpower mobilization, I considered it justified and above all, inevitable -- that it had to take place, for the countries which we occupied and Germany were an area that could not be separated; without an exchange of Eastern and Western workers, we could not have existed in Germany for even one day. The German people were used in work to the utmost.

DR. SERVATIUS: I have concluded my questioning of the defendant.

BY DR. THOMA (Counsel for defendant Rosenberg):

Q Witness, did the East Ministry try repeatedly to decrease the totals set down by you?

A Not only the East Ministry tried to do that; I myself tried to do that, to lower the demand with the Fuehrer and the other members who were responsible.

Q I should like torefer to document 054-PS, a document which describes the abuses in recruiting and transporting of Eastern workers. I should like to put several questions to you in this regard. Did you personally try to take steps to stop the abuses which are listed here?

A Yes, of course. Please interrogate my witnesses on this.

Q Did you notice that this report deals with the city and the region of Charkov in the Ukraine, and do you know that this entire district was neve

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under the civilian administration of the East Ministry?

A Yes, I know that, and I testified that this report was sent to an army office, rather than to me, and the army had its own agencies for this purpose.

Q In this report did you notice especially the first paragraph on the first page (a) that, "With few exceptions the Ukrainian people were being used in the Reich in isolated cases in small industrial enterprises."

A Will you please tell me the spot?

Q That is on page 1, the last paragraph.

A Sir, I do not have the place yet. There are several documents like that.

Q That is the second paragraph.

A Yes, I have found it.

Q It says there that these Ukrainian people who were being used to work in the Reich were very much satisfied with conditions and that the Ukrainians who were in certain camps were complaining; is that correct?

A Yes. In my testimony I quoted the places in which the author of the letter said that this took place in the first few months. Immediately had this situation checked and improved. I called the Reich Labor Minister to give out a new regulation for this, and that was on the basis of this complaint.

Q Did you yourself visit the occupied Eastern territories, and in Riga, Kovno, Sitomir did you speak to the administrative officers there?

A Not only did I speak to the administrative officers there, but in Russia I compiled this manifesto and had it published there, and everything that is contained in the manifesto was given to the offices and the agencies there.

Q Is it correct that you emphasized the special urgency of a Fuehrer decree?

A That was my duty; that was what I was there for.

Q That does not seem to be just right from the legal point of view, for your actual authority came from Goering. He was the Plenipotentiary for the Four Year Plan, and you were with him.

A Yes, that is correct. Fuehrer, Goering, Four Year Plan; that was the

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progression.

Q Then, if you mention a task from the Fuehrer, you use that expression to give a certain emphasis?

A No, that was not my intention. The Fuehrer charged me with certain things. For instance, the loss of German soldiers was to be made up, and these were missions which I received directly from the Fuehrer through Goering on the basis of the demands.

Q Was that a written order to you?

A Yes, they were written.

Q Written by Hitler personally?

A Yes, from Hitler and from Goering, from both of them.

Q Do you recallthat you made an agreement with Rosenberg to the effect thatEastern workers in Germany, after their return to their own country, were to receive land so that they would not be at a disadvantage as compared with the people who had remained?

A Yes, that was set down betweenRosenberg and myself; that is correct.

Q Did this actually take place?

A Just how far this was carried out, I am unable to state. That was a task of the Eastern Ministry, and I assumed that it was carried out.

Q Do you recall that Rosenberg constantly advocated the doing away with of the Eastern emblem?

A Rosenberg and I were active for the elimination of this Eastern emblem. There is a letter to the Reichsfuehrer SS, who rejected this, and at the end of 1943 or the beginning of 1944 we were successful in doing away withthis Eastern emblem, and it was replaced by a national emblem.

Q Why was this emblem to be done away with?

A This Eastern emblem was to be done away with for various reasons, but, above all, so that the Eastern workers would not feel that they were being discriminated against by having a special emblem.

Q You said that youdid not recall, except for the complaints that you talked over with Rosenberg, having received other complaints. Numerous complaints were received by the Central Agency for Eastern Peoples, and they were checked by the D.A.F. constantly. Did the D.A.F. report to you on this?

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A The D.A.F., the German Labor Front, reported that they were acting in accordance with my directives, that they tried to put a stop to abuses. That was its obligation. In order to stop these abuses, the D.A.F. should not have turned to me but, rather, to a special branch of the Reich Labor Ministry.

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Q Did you make sure whether this agency stopped these abuses?

A I installed my own inspection agencies, as Dr. Servatius mentioned, but this was the only authorized agency which had the authority to use coercion but the Reich Labor Minister was its immediate superior.

DR. THOMA: I have no further question, and thank you.

BY THE PRESIDENT:

Q What is the emblem that you have been speaking about?

A The eastern Emblem consisted of a square; it had a blue inscription "East"; it had a blue border and on the responsibility of the Reich Leader SS, it had to be worn first on the right chest; later on, on the sleeve and later, on my responsibility, a national emblem was chosen -- I believe the Russian color blue, or as the people themselves wished the color to be.

DR. NELTE: Dr. Nelte, on behalf of Keitel.

BY DR. NELTE:

Q Mr. Sauckel, the defendant Keitel and the OKW are accused by the prosecution under the point "deportation of civilian people for the purpose of manpower mobilization." You were interrogated on this matter before the beginning of this proceeding, to the effect whether the OKW and Keitel, as Chief of the OKW, participated in the recruitment of people in the occupied countries. A series of things which are not clear, which are contained in some of the record, have been cleared up by your testimony and in answering the last question of my colleague, Dr. Thoma, you made it clear to us that the organizational official channel is as follows: G.B.A., Four Year Plan Goering, and Fuehrer, Is that correct?

A On the whole, yes.

Q I am interested in determining whether in this official channel, the OKW was included, as far as a matter of competence is concerned, or whether the Fuehrer as commander-in-chief of the Wehrmacht -- the Fuehrer?

A I myself was not a soldier and as far as details were concerned, I am not familiar with the organization and the details of the OKW and of the OKH and it was hard for a layman to keep these matters separate. It is correct that as far as the field of use of workers in occupied countries where army groups were competent, the OKH was the superior; therefore, regulations

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for workers as applying to the occupied countries which was under the sovereignty of the army, laws or directives from the General Staff of the army had to apply.

Q You mean General Quarter master of the army, perhaps?

A A General Quartermaster was, as far as I know, next to the commander-in-chief of the army.

Q And with this, you would like to say that the OKW and the defendant Keitel, as far as the taking of these people for recruitment problem of workers in occupied countries, had no competence in this direction?

A For this question, there was no competence present in this way -- I came in connection with Fieldmarshal Keitel in this way, that the Fuehrer repeatedly asked me to ask Fieldmarshal Keitel to give his decree, as far as the army is concerned, and transmit these decrees by telephone otherwise.

Q And what about the question of the workers. Did the OKW and, specifically, Keitel as Chief of the OKW, have a competent function for the question of the use of workers at home?

A No. For the use of workers took place in those economic branches for which they were needed and there was no connection with the OKW at all.

DR. NELTE: Thank you very much.

THE PRESIDENT: Do any members of the prosecution wish to cross-examine?

CROSS EXAMINATION

BY M. HERZOG:

Q Defendant Sauckel, you joined the National Socialist Party in 1925, didn't you? Isn't that correct?

A I joined the National Socialist Party for the first time as a simple member and that began in 1923. When the Party was reorganized in 1925, I again became a member.

Q From as early as 1921, you supported the policy of National Socialism, didn't you?

A From 1921 onwards, I supported a German policy, for in 1921, I did not belong to the Party. I knew of the Party and I was interested for it, but that is perhaps all.

Q But didn't you, as early as that date, make speeches in favor of

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National Socialism?

A Perhaps; beginning with the year, the middle of 1921 onwards, I made speeches in favor of Germany, not expressly for the Party, and I spoke about the things that were close to my heart.

Q You have been a Gauleiter, haven't you; a member of the Landrat, Minister for Home Affairs, and Reichsstatthalter, or Governor of Thuringia. Is it exact that in this quality, you carried out the Nazification of your Gau?

A I was Prime Minister for Thuringia beginning with August of 1932 and I was Minister of the Interior as well.

Q I am asking you the question again: Is it exact that as Gauleiter and Reichsstatthalter or Governor of Thuringia, you carried out the Nazification of your Gau?

A The Nazification? — that was a conflict with which I was neither familiar nor do I consider it correct. I recruited for the National Socialist Workers Party and I worked for it.

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Q You were an Obergruppenfuehrer of the SS organization, were you not?

A I do not quite under stand -- SS?

Q You were an Obergruppenfuehrer of the SS organization, were you not?

A I already stated in my testimony in chief, that on an honorary basis I was Obergruppenfuehrer of the SS but I was never active in the SS nor did I have any functionsin the SS.

Q Starting with which date, did you become an Obergruppenfuehrer of the SS?

A According to my recollection, I became an Obergruppenfuehrer of the SS beginning with 1934.

Q Up to when?

A Up until the end.

Q In one of the documents which you have presented in your document book, Sauckel Document 95, on page 252 of the French translation, I am going to read the following passage: "My dear fellow-countrymen, our magnificent SA and SS, persecuted and insulted during a whole decade, have carried through, supported, and sustained this revolution with an unshakable discipline..." Is it exact?

THE PRESIDENT: What are you reading from?

M. HERZOG: From document 95, of one of the document books of the defendant, Mr. President; Sauckel Document 95, which was submitted yesterday by my learned colleague, counsel for the defense. Page 252 of the French translation, and it is in the third document book of the defendant.

THE PRESIDENT: Yes, go on.

BY M. HERZOG:

Q I am going to put the question to you again. In this document, I am reading: "My dear fellow-countrymen, our magnificant SA and SS, persecuted and insulted during a whole decade, have carried through, supported, and sustained this revolution with an unshakeable discipline ...". Do you still stand on this declaration?

A Yes, but I request that I be shown that document so that I can define my attitude.

Q This document is taken from your own document book which you

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yourself submitted?

A Yes, I know it well.

Q The legislation of Nurnberg concerning Jews did it correspond with your own personal convictions on the subject?

A The legislation? In accord with the Nurnberg laws, that legislation was not influenced by me. The conviction which I have is that each people and each race has the right to exist and has the right to respect and to be protected through herself and that which I demand for my own people, that is exactly the same.

Q Did you take good care of the Nurnberg laws that it should be fully applied to the Gau of Thuringia?

A The Nurnberg laws could apply to Thuringia. As far as the dismissal or appointment of officials was concerned, and, of course, according to German law, I was obligated to carry out the law. There was neither an infraction or any other inhumane act that was connected with this law.

Q Did you approve of Hitler's theory on living of the so-called "Lebensraum".

A As far as lebensraum was concerned, the Fuehrer set this down and wrote about it in his book and how far I agreed or disagreed that, in my opinion, cannot in this proceeding be dealt with by me, for I had no influence on how the Fuehrer himself considered the word "lebensraum".

THE PRESIDENT: The Tribunal thinks that you must answer the question, whether or not you approve of the doctrine of "lebensraum."

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THE WITNESS: The explanation made by the Fuehrer about the concept "lebensraum," I am not sure about everything he said. I should like to emphasize that I did not consider "lebensraum" and the carrying through of wars of aggression, that these two concepts to me did not coincide not even in my thoughts and I did not transmit this concept in thought, but the concept "lebensraum" was characterized for us by the fact that the European population in the last hundred years increased threefold, from one hundred fifty million to four hundred fifty million.

BY M. HERZOG:

Q I am repeating my question. Did you, yes or no, approve of the theory of "lebensraum"? Kindly answer yes or no.

A I did not agree with the theory of Lebensraum if it concerned itself with wars of aggression.

Q Did you approve of Hitler's theory of the superior race?

A I could prove repeatedly that I always rejected the emphasis on a master race in my speeches. I am personally of the opinion that capacity is the deciding factor, and not a master race.

Q Then you did not, therefore, consider that the foreign policy of Germany ought to have been determined by the two theories, the theory of Lebensraum on the one hand, and the theory of a master race on the other hand?

A I have already stated in my testimony-in-chief that I did not concern myself with foreign politics. I am not versed in foreign political matters.

Q Didn't you, to the contrary, approve of all the measures of foreign policy which Hitler used, and didn't you participate in them?

THE PRESIDENT: Perhaps we had better break off now, and you can repeat the question tomorrow.

(The Tribunal adjourned until 30 May 1046 at 1000 hours.)